

# EPC COMMISSION MINUTES & AGENDA

MONTH November

YEAR 1988

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Minutes of the Environmental Protection Commission Meeting

November 21-22, 1988

Wallace State Office Building, Des Moines, Iowa

TABLE OF CONTENTS

NOVEMBER 1988 COMMISSION MEETING . . . . .	E88Nov-1
MEMBERS PRESENT . . . . .	E88Nov-1
ADOPTION OF AGENDA . . . . .	E88Nov-1
ADOPTION OF MINUTES . . . . .	E88Nov-1
DIRECTOR'S REPORT . . . . .	E88Nov-2
TOXIC CLEANUP DAYS . . . . .	E88Nov-2
MIDWEST INTERSTATE LLRW COMPACT REPORT . . . . .	E88Nov-10
UHL PRIVATE WELL TESTING SUPPORT CONTRACT . . . . .	E88Nov-13
UHL GENERAL AIR AND WATER QUALITY MONITORING CONTRACT	E88Nov-14
COMPUTER ACQUISITION FOR ENVIRONMENTAL PROTECTION	
DIVISION . . . . .	E88Nov-15
LUST EQUIPMENT ACQUISITION FOR UNDERGROUND STORAGE	
TANK PROGRAM . . . . .	E88Nov-18
MONTHLY REPORTS . . . . .	E88Nov-19
PROPOSED RULES -- LANDFILL GROUNDWATER MONITORING .	E88Nov-29
PUBLIC PARTICIPATION . . . . .	E88Nov-46
CONSTRUCTION GRANTS PRIORITY LIST ADDITIONS . . . .	E38Nov-47
NONPOINT POLLUTION MANAGEMENT PLAN . . . . .	E88Nov-47
PROPOSED RULE--AMEND CHAPTER 23, NEW SOURCE	
PERFORMANCE STANDARDS . . . . .	E88Nov-48
CHAPTER 47--PRIVATE WELL SAMPLING AND ABANDONMENT	
GRANTS TO COUNTIES . . . . .	E88Nov-53

November 1988

Environmental Protection Commission Minutes

BLACK HAWK COUNTY SOLID WASTE MANAGEMENT 28G

AGREEMENT . . . . .	E88Nov-57
REFERRALS TO THE ATTORNEY GENERAL . . . . .	E88Nov-63
PROPOSED CONTESTED CASE DECISION--MARK TWAIN MEADOWS	
HOMEOWNER'S ASSOCIATION . . . . .	E88Nov-63
RECESS . . . . .	E88Nov-64
MEETING RECONVENES 8:30 A.M., NOVEMBER 22, 1988 . . .	E88Nov-64
GROUNDWATER STANDARDS REPORT . . . . .	E88Nov-64
APPOINTMENT - ROBERT BRAUN . . . . .	E88Nov-68
CONTESTED CASE DECISION, APPEAL--ELOISE REESE . . .	E88Nov-68
APPOINTMENT - JIM DAVIS . . . . .	E88Nov-68
CONTESTED CASE DECISION, APPEAL--CLOYD FOLAND . . .	E88Nov-70
APPOINTMENT - SCOTT HALVORSON for Cloyd Foland . . .	E88Nov-70
FLOODPLAIN LEGISLATION UPDATE . . . . .	E88Nov-72
INCINERATORS AT HOSPITALS . . . . .	E88Nov-73
LETTERS - DISCUSSION . . . . .	E88Nov-73
ADJOURNMENT . . . . .	E88Nov-74
INDEX . . . . .	E88Nov-75

NOVEMBER 1988 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 1:30 p.m. on November 21-22 1988.

MEMBERS PRESENT

Gary Priebe, Nancylee Siebenmann, Donna Hammitt, Richard Timmerman, Robert Schlutz, Charlotte Mohr, Catherine Dunn, and Clark Yeager.

ADOPTION OF AGENDA

The following items were added to the agenda:

- 20A. Proposed Contested Case Decision - Mark Twain Meadows Homeowner's Association. (Combs) Decision.
- 21A. Hospital Incinerators (Discussion).
- 23. Letters (Discussion)
  - (a) letter from DALS regarding relaxed standards for the Soil Conservation Program
  - (b) Richard S. Fawcett - written comments on groundwater standards.

*Motion was made by Clark Yeager to approve the agenda as amended. Seconded by Catherine Dunn. Motion carried unanimously.*

ADOPTION OF MINUTES

*Motion was made by Nancylee Siebenmann to approve the minutes of October 17, 1988 as presented. Seconded by Catherine Dunn. Motion carried unanimously.*

DIRECTOR'S REPORT

Director Wilson distributed, for information purposes, a position paper from the Iowa Hospital Association regarding infectious medical waste. Also distributed was a paper from Upper Mississippi River Conservation regarding the Greenpeace invasion at Monsanto.

TOXIC CLEANUP DAYS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

Three Toxic Cleanup Days (TCDs) were held in Linn County, Story County and Montgomery County on October 22, October 29 and November 5, respectively. All three events were well attended with 557 participants at Cedar Rapids, 399 at Ames and 227 in Red Oak. A detailed report of the TCDs will be provided at the November 21st Commission meeting after all survey results are tabulated.

REPORT ON TOXIC CLEANUP DAYS - November 18, 1988 - IOWA  
DEPARTMENT OF NATURAL RESOURCES, WASTE MANAGEMENT AUTHORITY  
DIVISION

BACKGROUND

Due to concern about groundwater and improper disposal of household hazardous wastes, the Iowa legislature established Toxic Cleanup Days in the Groundwater Protection Act.

The Toxic Cleanup Days provides households and farms the opportunity to dispose of small quantities of household hazardous waste properly rather than by common disposal methods such as spreading on the ground, flushing down sanitary and storm sewers, sending to sanitary landfills with regular household refuse, and long-term storage.

FUNDING

Funding for the 1988 Toxic Cleanup Days was from Household Hazardous Materials permits (at \$25/each) obtained by retailers who sell products considered to be household hazardous materials. Approximately \$200,000 was available for the 1988 Toxic Cleanup Days.

IMPLEMENTATION

The Toxic Cleanup Days program allows each household to bring in a limit of 25 gallons or 220 pounds (1000Kg) of hazardous waste to the collection site for proper disposal.

Solicitation for hosts for the Toxic Cleanup Days was done by contacting county and city officials throughout the state by means of mass mailing. Sixteen interested parties responded with formal applications. Three host sites were chosen: two urban areas, Cedar Rapids (Linn county), and Ames (Story county), and one rural area, Red Oak (Montgomery, Adams and Page counties).

The collection, transportation, and proper disposal of the wastes was accomplished by a qualified hazardous waste handling firm. The contractor, GSX Chemical Services Inc. of Greenbrier, Tennessee was selected on the basis of their experience in operating collection day events, and the technical assistance they would provide at each site. The waste collected at each of the Toxic Cleanup Day sites is summarized in the following pages and Appendix.

GSX Chemical Services could not accept explosives, shock sensitive materials, organic peroxides, radioactive wastes, gas cylinders, pressurized vessels, biological and infectious wastes as well as dioxin bearing wastes such as 2,4,5-T, 2,4,5-TP (Silvex), Kepones, tri, tetra, or pentachlorophenols due to permit regulations. GSX accepted lead based paint, but all latex paints were either refused or collected by the local entity. Motor oil (non-contaminated) was either bulked at each collection site or collected in the containers they came in and re-refined or burned for heating.

The local governments and service organizations were responsible for finding a suitable location for the waste collection and the promotion of the Toxic Cleanup Days in their counties. Traffic control at the Toxic Cleanup Days was conducted by local volunteers. Surveys prepared by the DNR and other information was also distributed at the Toxic Cleanup Days by volunteers.

#### WASTE COLLECTION

The waste collection sites for the Toxic Cleanup Days were set up in areas of easy public access, sufficient size to accommodate the expected volume of people, and that contained an area protected from the elements of the actual waste collection. Collection, analysis, sorting, packing and record keeping of the waste was done by GSX.

DNR personnel assisted people in handling of the wastes, and to initially analyze and sort the wastes.

Surveys prepared by the DNR were handed out to each vehicle, filled out and returned. The purpose of the survey was to obtain information on the participants usual method of disposal, type of

wastes brought in and to test the effectiveness of the different types of advertising about the Toxic Cleanup Days.

#### SUMMARY OF THE TOXIC CLEANUP DAYS

##### 1. LINN COUNTY--CEDAR RAPIDS (10-22-88)

This well attended Toxic Cleanup day had 557 vehicles representing 618 households come to the collection site to dispose of their hazardous waste. The vast majority of the people were from the Cedar Rapids urban area with 50% coming from five miles or less and 83% from within ten miles. Only seven percent of the participants attended the pilot Toxic Cleanup day conducted in Cedar Rapids in 1986.

830 gallons of paint was received. 445 gallons of paint was blended with like colors and placed in five gallon buckets and given to local service organizations for distribution.

Used motor oil was also accepted (by Eagle Oil). 750 gallons were collected and is now being blended to make No. 5 fuel oil.

The hazardous waste contractor, GSX, prepared a summary of the wastes that were collected at this site. Results of this summary are in the Appendix.

Total cost of the Linn county project was \$63,419.50 with an average cost per household represented of \$113.86. The average amount of waste per household is forty-eight pounds.

##### 2. STORY COUNTY--AMES (10-29-88)

400 vehicles representing 422 households attended the Story county Toxic Cleanup Day. Most participants were from the urban area and within five mile of the collection site.

Used motor oil was taken by the city of Ames (unless contaminated). Approximately 200 gallons was collected. No paint collection was done at this site (unless lead based).

Pesticides were brought in by the largest number of participants. Caustic cleaners and solvents/thinners followed in quantity collected. The GSX final report on the waste collected is contained in the Appendix. The average amount of waste per household is forty-eight pounds.

The final cost of this Toxic Cleanup Day is not available at this time.

##### 3. MONTGOMERY, ADAMS, AND PAGE COUNTIES--RED OAK (11-5-88)

This Toxic Cleanup Day represented a rural area, a first for Iowa's collection events. A nearly equal participation from urban and rural households was seen with 53% coming from five

miles or less and 14% from six to twenty miles. The remaining 20% came from more than twenty miles. A total of 250 households were represented.

Used motor oil was bulked and taken by a local individual. Approximately 300 gallons was collected. 261 lead-acid batteries were collected by an individual from Omaha, Nebraska.

The waste collection totals from this Toxic Cleanup Day are contained in the Appendix. The average amount of waste per household was seventy-one pounds, a significant increase from the events conducted in predominantly urban counties.

The total cost of this project is not available at this time.

#### SUMMARY

A total of 64,727 pounds of waste was collected and disposed of by GSX with a total estimated cost of \$163,322.50. The average amount of waste per household was fifty-three pounds with an average cost per household of \$132.89. Seventy-eight percent of the waste was incinerated and ten percent was landfilled. The remaining waste was fuel blended for recovery, treated, or rotary kiln/recycled (see Appendix).

The Toxic Cleanup Day is an excellent method of disposing of quantities of outdated, excess, or banned chemicals, especially pesticides and herbicides. This also serves as an excellent way to dispose of stocks of chlordane which has recently been banned through Senate File 2106.

The Toxic Cleanup Day is also a very good media event and can be utilized not only for the collection of wastes, but also as a promotional event for increased public awareness of the problem of household hazardous wastes.

Household Hazardous Materials permit compliance by Iowa retailers is a must for the survival and expansion of the Toxic Cleanup Days program as these permits provide the funds for these activities. More complete compliance will generate more funding and thus more activities throughout the state.

With adequate funding, Toxic Cleanup Day events are scheduled to be conducted in the spring and fall of 1989, resulting in greater public awareness of the hazardous waste problem. Public education will include emphasis on the purchase of products only in amounts that will be used and that the best way to dispose of wastes is usually to use them for their intended purpose.

#### APPENDIX FOR TOXIC CLEANUP DAYS: WASTE SUMMARY

## APPENDIX FOR TOXIC CLEANUP DAYS:

## WASTE SUMMARY

SITE ACTIVITY

The following table designates the waste types and quantities removed from each participating community. Please note that all figures presented are not completely accurate and a 1% to 3% variance should be considered.

PROGRAM I

CEDAR RAPIDS, IOWA  
OCTOBER 22, 1988

<u>HAZARD CLASS</u>	<u>WASTE TYPE(S)</u>	<u>NO. CONT. SHIPPED</u>	<u>TOTAL POUNDS</u>	<u>PERCENT (BY WGT.)</u>
Flammable Liquid	Paints, Ignitable Pesticides, Solvent Based Materials, etc.	56	13,950	52.7%
Poison-B	Pesticides, Herbicides, Cleaners, Poisons, etc.	45	8,970	33.9%
ORM-E	Latex Paints, Paint Contaminated Solids	11	1,800	6.8%
Flammable Gas	Aerosol Cans	6	1,200	4.5%
Corrosive Material	Cleaners, Acids Caustics, Salts, etc.	6	445	1.7%
Oxidizer	Oxidizing Materials	<u>1</u>	<u>100</u>	<u>0.4%</u>
Total		125	26,465.	100%

PROGRAM IIAMES, IOWA  
OCTOBER 29, 1988

<u>HAZARD CLASS</u>	<u>WASTE TYPE(S)</u>	<u>NO. CONT. SHIPPED</u>	<u>TOTAL POUNDS</u>	<u>PERCENT (BY WGT.)</u>
Poison-B	Pesticides, Herbicides, Cleaners, Poisons, etc.	61	12,345	60.5%
Flammable Liquid	Paints, Ignitable Pesticides, Solvent Based Materials, etc.	22	4,570	22.4%
CRM-E	Roofing Tar, Debris, Empty Drums, and Other Non-Regulated Materials	8	1,750	8.6%
Flammable Gas	Aerosol Cans	4	760	3.7%
Corrosive Material	Cleaners, Acids, Caustics, Salts, etc.	7	722	3.5%
Oxidizer	Oxidizing Materials	3	265	1.3%
Total		105	20,412	100%

November 1988

Environmental Protection Commission Minutes

PROGRAM III

RED OAK, IOWA  
NOVEMBER 5, 1988

<u>HAZARD CLASS</u>	<u>WASTE TYPE(S)</u>	<u>NO. CONT. SHIPPED</u>	<u>TOTAL POUNDS</u>	<u>PERCENT (BY WGT.)</u>
Poison-B	Pesticides, Herbicides, Cleaners, Poisons, etc.	53	11,990	67.2%
Flammable Liquid	Paints, Ignitable Pesticides, Solvent Based Materials, etc.	17	4,020	22.5%
ORM-E	Asbestos, Debris Feed, and Other Non-Regulated Materials	6	995	5.6%
Flammable Gas	Aerosols	2	400	2.2%
Corrosive Material	Cleaners, Acids Caustics, Salts, etc.	3	360	2.0%
Oxidizer	Oxidizing Materials	1	75	0.4%
Flammable Solid	Reactive Material	<u>1</u>	<u>10</u>	<u>0.1%</u>
Total		<u>83</u>	<u>17,850</u>	<u>100%</u>

STATE OF IOWA-TOXIC DAYS PROGRAMSTOTAL WASTE REMOVAL

Listed below is a table reflective of all waste types and quantities removed from the State of Iowa during the Toxic Days Programs.

<u>HAZARD CLASS</u>	<u>NO. OF CONT. SHIPPED</u>	<u>TOTAL POUNDS</u>	<u>PERCENT (BY WGT.)</u>
Poison B	159	33,305	51.5%
Flammable Liquid	95	22,540	34.8%
ORM-E	25	4,545	7.0%
Flammable Gas	12	2,360	3.6%
Corrosive Material	16	1,527	2.4%
Oxidizer	5	440	0.7%
Flammable Solid	<u>1</u>	<u>10</u>	<u>&lt;0.01%</u>
Total	311	64,727	100%

DISPOSAL MIX

Hazardous wastes and materials are disposed of by many different methods, typically dependent upon the characteristics exhibited by the material. Listed below is a breakdown of the various disposal methods utilized for the materials received during the Toxic Days Programs.

<u>DISPOSAL METHOD</u>	<u>NO. OF CONTAINERS</u>	<u>PERCENT OF TOTAL</u>
Incineration	243	77.6
Landfill	32	10.2
Fuel Blending/Recovery	24	7.7
Treatment	10	3.2
Rotary Kiln/Recycle	<u>4</u>	<u>1.3</u>
Total	313	100%

November 1988

Environmental Protection Commission Minutes

Richard Timmerman commented that the Toxic Cleanup Days held in the last two years were a trial period and he asked what the recommendations are for the future.

Ms. Hay responded that if compliance of retailers was increased the department would have adequate funding for an increased number of Toxic Cleanup Days. To more effectively increase compliance with retailers the county attorney would have to prosecute, as non-compliance is a simple misdemeanor.

Mr. Timmerman remarked that it might be a good idea for the department to work with county attorneys on this program.

Clark Yeager expressed concern about the waste that is not accepted at the disposal locations.

This was an informational item; no action was required.

MIDWEST INTERSTATE LLRW COMPACT REPORT

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The following is a brief summary, by major topic, of Midwest Interstate Low-Level Radioactive Waste Commission activities from June 1987 - October 1988, the next Federal milestone the Compact must meet and what Iowa must do in meeting this milestone.

Export Fee Resolution

August, 1987, Commission adopts resolution establishing an export fee payable by utility generators in the Region with operating nuclear reactors. The fees are to be used for pre-operational costs associated with facility development. The first assessment of export fees resulted in collection of \$3,000,000 by January, 1988, to fund the FY 88 budget of the Michigan LLW Authority.

In August, 1988, the Commission assessed export fees for FY 89 totalling \$3,596,500. The fees will be transferred to Michigan LLW Authority to fund its activities for FY 89.

Pre-Operational Funding Agreement

Agreement between the Commission and Michigan signed in June, 1988, following five months of negotiations and approval by the Commission in May. The Agreement provided for the immediate transfer of the \$3,000,000 in export fees collected, and establishes the framework for continued funding in future years.

Utility Guaranty

The Commission transferred the \$3,000,000 without the firm assurance of repayment that the Commission had sought from Michigan if they did not develop a regional facility. Future funding was contingent on execution of a repayment guarantee agreement between the Michigan utilities and the Commission by October 1, 1988. Commission voted unanimously November 2, 1988 to approve final language for the guarantee.

#### Michigan Budget Approval

The Pre-Operational Funding Agreement sets forth procedures for the transfer of export fee funds, based on Commission review and approval of the Michigan Authority's fiscal year budget by September 1 of each year. The FY 88 Michigan budget of \$3,000,000 was approved by the Commission concurrently with approval of the pre-operational funding agreement. In August, 1988, the Commission approved a FY 89 Michigan budget in the amount of \$5,328,400, to be funded by a carry-over of \$1,731,900 in export fees that were transferred to the Michigan Authority in FY 88, and \$3,596,500 in utility export fees for FY 89.

#### Milestones

June, 1987, Michigan designated host state. December, 1987, Michigan enacts siting legislation, submits Siting Plan on behalf of Midwest Compact to the DOE and Sited States. February, 1988, Midwest Compact found in compliance with the January 1, 1988 federal milestone. Rebates received totalling \$547,873.26.

November, 1987, the Commission began discussing the implications of Governor's Certification to meet the January, 1990, milestone. Each state agreed to initiate planning and discussions with generators and state advisory committees to ensure adequate lead time in preparing documentation for the certification.

The January 1, 1990 federal milestone is the next deadline faced by the Compact. This milestone requires submission of either a complete license application to the appropriate licensing body or certification by the governor of each member state that the state will be capable of managing its waste after 1992. Certification will be necessary if the Midwest Compact is to comply with this milestone since Michigan will not be prepared to submit a license application by 1990. Failure to certify would result in a loss of rebate revenue and probable denial of access to existing sites.

The Nuclear Regulatory Commission has provided some guidance as to the content of the state certifications. At present, these include:

1. Estimates of the volume of waste and who will generate it after December 31, 1992;

November 1988

Environmental Protection Commission Minutes

2. The proposed storage, disposal or management actions after December 31, 1992;

3. The logistics of the proposed action in terms of organizational responsibility, timing and scheduling; and

4. Indication that proposed actions are within existing legal authorities and are consistent with NRC or Agreement State regulations and/or policies.

Of the possible actions listed in #2 above, primary focus will likely be on storage for the interim period. Because of the short-term nature of this responsibility, legal and safety implications, and Iowa's lack of state waste management capabilities, deferral to generators will be the favored course of action, as provided for in Section 5(d)(2)(C)(ii) of the Low-Level Radioactive Waste Policy Amendments Act.

Because the generators, not Iowa, will be responsible for interim management and storage, the logistics of the proposed actions will rest primarily with the generators. DNR will be instrumental in initiating the necessary planning efforts and transmitting the plans as part of the certification (#3 above), but actual execution will be dependent on both the actions of the generators and when Michigan expects to begin receiving waste at the disposal facility.

As a partial agreement state Iowa has the regulatory authority and review expertise (Dept. of Public Health) to ensure that actions proposed by generators are within legal authorities.

To prepare for Iowa's post-1992 planning a survey was sent in September, 1988 to all Iowa Radiation Materials Licensees to determine whether they anticipate generating LLRW which will require shipment for disposal beyond 1992. To date responses have been received from 79 of the 201 licensees with 16 indicating they are likely to produce waste requiring off-site disposal. In addition, the Commission is in the process of preparing detailed state-by-state waste volume estimates. The LLRW Advisory Committee will be involved in post-1992 planning activities.

Chairman Schlutz inquired as to when start-up for the facility is expected.

Ms. Hay replied that the earliest date for facility start-up is 1994, with the possibility of it being 1996. There will be a one to three year period when Iowa will have to handle its own low level radioactive waste storage.

This was an informational item; no action was was required.

UHL PRIVATE WELL TESTING SUPPORT CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Environmental Protection Commission is requested to authorize the Director to sign the attached contract with the University Hygienic Laboratory.

This contract governs the transfer and use of funds available to the UHL for support of the private well testing program. The law authorizes the transfer of "up to six percent" from receipts to the Agricultural Management Account for this purpose. The contract provides for the transfer of 6% each year, \$73,874 in FY88, and an estimated total transfer of \$191,460 during FY89. A copy of the proposed contract is attached.

LETTER OF AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND THE UNIVERSITY HYGIENIC LABORATORY - SFY 1989

This agreement is made and entered into between the Department of Natural Resources (DNR) and the State University Hygienic Laboratory (UHL).

1. General Statement. The provisions of the Groundwater Protection Act authorize the DNR to administer the Agriculture Management Account of the Act and authorizes the UHL to receive up to six percent of the account funds for well testing. This agreement is to establish the means for transfer of funds from Agriculture Management Account to the UHL through the DNR for that purpose.
2. Policy Statement. The use of the Agriculture Management Account fund by UHL is to be consistent with the purpose and intent of the Groundwater Protection Act which is to assist in well testing. The DNR will coordinate and administer the fund to assure its proper use in fulfillment of its duties as designated by the Groundwater Protection Act.
3. Funds. The DNR agrees to transfer 6% of the Agriculture Management Account fund for FY 1988, \$73,874, upon approval of this agreement. At the end of each quarter hereafter, the DNR also agrees to transfer 6% of the Agriculture Management Account to the UHL as provided in the Groundwater Act, and any amendments thereto.
4. Use of Funds. The UHL agrees to utilize the funds, in the manner deemed appropriate by the UHL, to support the analysis of (1) private water supply samples collected by counties under the "Grants to Counties Program" for organic contaminants, pesticides, petroleum products, and other synthetic organic compounds and (2) well water samples collected through the

November 1988

Environmental Protection Commission Minutes

Statewide Rural Well Water Survey currently being conducted by the Center for Health Effects of Environmental Contamination.

This agreement recognizes that it may be appropriate and necessary for the UHL to purchase equipment and supplies or otherwise prepare to accomplish the work envisioned under this agreement, and that funds provided under this agreement may be used for that purpose.

5. Reports.

a) Technical: The UHL agrees to provide appropriate reports to the Department of Natural Resources.

b) Expenditures: The University of Iowa will provide the Iowa Department of Natural Resources a quarterly report of all expenditures made under this award.

6. The period of this agreement remains in force until the Groundwater Protection Act is amended and specifically addresses this particular appropriation.

DEPARTMENT OF NATURAL RESOURCES  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

UNIVERSITY HYGIENIC LABORATORY  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

UNIVERSITY OF IOWA

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

The Commission expressed concern over lack of accountability for the funds, by the University.

Catherine Dunn stated that she would approve the agreement, but that she has some reservations about it as it is a bad way to do business.

*Motion was made by Catherine Dunn to approve, as presented, the contract between DNR and UHL for the transfer and use of funds to support the private well testing program. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

UHL GENERAL AIR AND WATER QUALITY MONITORING CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Environmental Protection Commission is requested to authorize the Director to approve the general contract with the University Hygienic Laboratory for Air and Water quality analytical services for FFY1989. Generally, terms are similar to the current contract.

Work Description	FFY1988 Contract	FFY1989 Proposal
Air Quality Monitoring	\$203,060	\$220,760
Water Quality Monitoring	198,560	218,595
Prairie Rose Monitoring	9,920	9,920
Cedar River Study		10,365
Boyer River Study		6,435
Maquoketa River Study		6,650
Water Supply Monitoring	63,542	65,025

The proposed cost for Emergency Response Analysis is \$19,500. In FFY1988, this was billed on a "cost per analysis" basis. Fish kill/tissue samples will continue to be billed on a cost per sample basis. Several river water quality studies have been added as indicated above. The Air Quality item includes \$5,210 for classroom instruction related to the smoke school. The FFY1988 cost did not include classroom instruction.

*Motion was made by Charlotte Mohr to approve the general contract with UHL for Air and Water Quality analytical services for FFY 1989. Seconded by Clark Yeager. Motion carried unanimously.*

#### COMPUTER ACQUISITION FOR ENVIRONMENTAL PROTECTION DIVISION

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The department requests approval to purchase the computer equipment listed below:

[1] Construction Grants (205g)

Equipment:

2 IBM PS/2 Model 50 personal computers w/accessories	\$ 7,276
2 Harris computer terminals	<u>1,128</u>
	\$ 8,404

Usage:

PCs: (nongrant) NPDES enforcement tracking. Report preparation regarding compliance. Also access to federal PCS system and state NPDES system. Document preparation.

Harris Terminals: Construction grant program management. Document preparation; access to mainframe (PROFS).

This acquisition is 100 percent federally funded through an EPA grant.

[2) Groundwater Grants Administration

Equipment:

1 IBM PS/2 Model 50 personal computer  
w/accessories \$ 4,908

Usage:

Establish data systems for the storage and retrieval and manipulation of groundwater data. Preparation of reports and other written documents. Access the mainframe to use EPA data systems and PROFS.

This acquisition will be funded from the ag management account in the groundwater protection fund.

[3) Water Quality Management Planning (205j1)

Equipment:

2 IBM PS/2 Model 50 personal computers  
w/accessories \$10,064

Usage:

Setting up data systems for storing, entering and retrieving water quality data. Preparing reports and letters and accessing the mainframe for retrieval of water quality data and to use PROFS. Work with STORET by entering and retrieving water quality data.

This acquisition is 100 percent federally funded through an EPA grant.

[4) Non-point Source Management Planning (205j5)

Equipment:

2 IBM PS/2 Model 80 personal computers  
w/accessories \$16,118

Usage:

All items in No.[3 plus work with the Water Body System and the River Reach System established by EPA. Non-point source modeling of watersheds to determine which management practices would be the most beneficial. Establish and use the geographical information system (GIS) for program management.

This acquisition is 100 percent federally funded through an EPA grant.

[5) Flood Plain

Equipment:

1 IBM PS/2 Model 50 personal computer w/accessories	\$ 4,928
1 Harris computer terminal	564
	<u>\$ 5,492</u>

Usage:

PC: Math modeling (e.g., HEC-2, HEC-1, NWSDAMBRK '88, HY-8) w/PC-based programs, mainframe program access.

Harris Terminal: Communication, document preparation, etc. (PROFS), access mainframe file and engineering programs (e.g., DAMI, NRCO, NRFI, NRRRC, TR-20, DAMS2, etc.)

This acquisition will be funded from the department's state appropriation.

[6) Water Supply

Equipment:

2 IBM PS/2 Model 50 personal computers w/accessories	\$ 7,536
2 Harris computer terminals	1,128
	<u>\$ 8,664</u>

Usage:

Will be used in the safe drinking water compliance monitoring and enforcement programs and in providing the required quarterly and annual updates to the state/EPA agreement and federal data reporting system. Will allow staff to directly access the state drinking water, operator certification, water resource, and groundwater permit monitoring systems.

This acquisition is 75 percent federally funded through an EPA grant.

[7) Solid Waste Management

Equipment:

8 Harris computer terminals	\$ 4,496
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## Usage:

Report preparation; provide access to EPA's national computer information systems; communicate with program staff and record such communications; facilitate easier access by staff to allow more flexibility and greater efficiency in assisting public.

This acquisition is funded from the solid waste and oil overcharge accounts in the groundwater protection fund (four each).

[8] Abandoned and Uncontrolled Hazardous Waste Sites

1 IBM PS/2 Model 60 personal computer w/accessories	\$ 5,770
Software for data management and document preparation	<u>2,120</u>
	\$ 7,890

## Usage:

Enter, manage, analyze and track information and activities collected from abandoned and uncontrolled hazardous waste sites for the purpose of groundwater modeling, sites management and document preparation.

This acquisition is 100 percent federally funded through an EPA cooperative agreement.

*Motion was made by Catherine Dunn to approve the Computer Acquisition for the Environmental Protection Division. Seconded by Donna Hammitt. Motion carried unanimously.*

LUST EQUIPMENT ACQUISITION FOR UNDERGROUND STORAGE TANK PROGRAM

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The department requests approval to purchase the following LUST investigative equipment listed below.

<u>Quantity</u>	<u>Description</u>	<u>Estimated Cost</u>
9	HNU Photoionization analyzer Model HW-101	\$40,500.00
9	Combustible gas indicator	11,250.00
6	Interface probe	12,900.00

The purpose of this equipment will be to assist the LUST inspectors and coordinators to conduct a full investigation in order to determine if an underground storage tank has leaked. The combustible gas indicator helps determine the safety level of the excavation. The HNU analyzer will give the level of hydrocarbon present in the soil and will assist in any cleanup operations. The interface probe measures depths to oil or water in monitoring wells thus assisting in the investigation of the groundwater.

The field offices will be supplied with one each of these items. The central office shall retain three each of the HNU and combustible gas indicator.

The cost for this equipment is covered 100% by FY88 LUST Trust Fund.

*Motion was made by Catherine Dunn to approve the LUST Equipment Acquisition for Underground Storage Tank Program. Seconded by Charlotte Mohr. Motion carried unanimously.*

#### MONTHLY REPORTS

Darrell McAllister, Bureau Chief, Surface and Groundwater Protection Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

November 1988

## Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
NOVEMBER 1, 1988

PROPOSAL	DRAFT TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 20, 22, 26, 28 PH10	6/20/88	7/27/88	8/16/88	8/30/88 8/31/88 9/01/88	10/17/88	10/17/88	*11/16/88	*12/21/88
2. Ch. 23 - NPS/NESHAPS	11/21/88	*12/14/88		1/03/89 1/04/89 1/05/88				
3. Ch. 60, 61 - Water Quality Standards	9/19/88	*10/19/88	11/15/88	11/09/88 11/10/88 11/15/88 11/16/88				
4. Ch. 100, 103, 110 - Landfill Groundwater Monitoring	11/21/88							
5. Ch. 101 - Solid Waste Comprehensive Plans	9/19/88	10/19/88	11/15/88	11/09/88				
6. Ch. 135 - Underground Storage Tanks		E M E R G E N C Y R U L E			10/17/88	10/17/88	*11/16/88	10/17/88
7. Ch. 209 - Solid Waste Grants	9/19/88	10/19/88		----				
8. Ch. 210 - Solid Waste Planning Grants	8/16/88	9/07/88	10/11/88	----	10/17/88	10/17/88	*11/16/88	*12/21/88

Projected

## MONTHLY VARIANCE REPORT

10/31/88

No. Facility	Program	Engineer	Subject	Decision	Date
1 Ames Laboratory	Air Quality		Explosives	approved	10/06/88
2 Shenandeah, City of	Air Quality		Landscape Waste	denied	10/21/88
3 Daisy Hauling	Air Quality		Rubbish	denied	10/24/88
4 DallasCo.Care Facility	Wastewater Const.	Snyder & Associates	Curtain Wall	approved	10/03/88
5 Ossian, City of	Wastewater Const.	IIM Engineers	Site Separation	approved	10/03/88
6 Ossian, City of	Wastewater Const.	IIM Engineers	Synthetic Liner	approved	10/15/88
7 Coles Pond-Henry Co.	Flood Plain	Allen W.S.W. Engr.	Store/Strage Capacity	approved	10/07/88

E88Nov-20

## REPORTS OF HAZARDOUS CONDITIONS

During the period of October 1, 1988 through October 31, 1988, reports of 47 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
10/18/88 CLAYTON	A cap fell off a loose valve on a truck, and about 6,000 pounds of grease spilled onto the streets of Strawberry Point, Iowa and about eight miles out of town on the highway on October 18, 1988.	National-By-Products, Inc. 1423 Beaver Channel Parkway Clinton, Iowa 52732	DOT and the city placed sand on the material to reduce slick conditions on the roads. Sand and grease were picked up and hauled away in trucks for disposal.
10/19/88 MONONA	A tanker truck overturned one mile south of Sloan, Iowa on I-29 on October 19, 1988, and about 2,000 gallons of ammonium polyphosphate fertilizer were spilled.	TAG, Inc. 1816 Grand Ave. Sioux City, Iowa 51107	Product was contained in the median. Contaminated soil was removed and applied on land at normal rates of application. The excavated material was replaced with clean soil.

Numbers in Parentheses Represent Reports for the Same Period in Fiscal Year 1988

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	47(69)	20(47)	8(4)	19(18)	25(53)	0(0)	14(9)	3(1)	0(2)	5(4)

Total # of Incidents Per  
Field Office  
This Period

01	02	03	04	05	06
9	8	3	3	16	8

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of October 1, 1988 through October 31, 1988, the following number of releases from underground storage tanks were identified.

30 (21)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1987.

November 1988

## Environmental Protection Commission Minutes

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
City of Thompson (2)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	10/03/88
G.S. Marina, Iowa City (6)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	10/03/88
Izaak Walton League, Iowa City (6)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	10/03/88
William C. Augustine, Rose Hill (5)	Flood Plain	Construction Without Permit/Registration	Order/Penalty	10/12/88
Quality Plus Essar Corporation, Ft. Dodge (2)	Air Quality	Construction Without Permit	Order	10/12/88
McCabe's Supper Club, Burr Oak (1)	Drinking Water	Monitoring/Reporting - Bacteria and Nitrate	Order/Penalty	10/12/88
Bronson Water Supply (3)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	10/12/88
North Pine Mobile Service Station, Davenport (6)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	10/12/88
City of Eagle Grove (2)	Wastewater	MIP	Amended Order	10/12/88
City of University Park (5)	Wastewater	MIP	Rescinded Order	10/12/88
City of Marcus (3)	Wastewater	MIP	Order	10/12/88
City of Lawton (3)	Wastewater	MIP	Order	10/12/88
Lee County Sanitary Landfill Ft. Madison (6)	Solid Waste Air Quality	Permit Violations, Open Burning	Order/Penalty	10/12/88
Dallas E. Robinson, Mason City (2)	Solid Waste	Open Dumping	Order/Penalty	10/12/88
Glenn C. Sevick, Mason City (2)	Solid Waste	Open Dumping	Amended Order	10/12/88
City of Bevington (5)	Wastewater	Prohibited Discharge	Order	10/13/88
Reed's Interstate Sales, New Virginia (5)	Drinking Water	Monitoring/Reporting - Bacteria	Referred to AG	10/20/88
Jerry Jansen, Kellogg (5)	Fish Kill	Prohibited Discharge	Referred to AG	10/20/88
Grade Lake Dam, Osceola (5)	Flood Plain	Reconstruction	Order	10/24/88
City of Jewell (2)	Wastewater	Permit Condition Violations	Amended Order	10/31/88
Southwest Polk Water Co., Ankeny (5)	Drinking Water	Monitoring/Reporting - Inorganics	Order/Penalty	10/31/88

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	AMOUNT	DUE DATE
*Shelter Shield (Buffalo Center)	\$1,000	12-03-86
*JTM Indust./MacDade/Leamer (Pleasant Valley)	1,000	8-12-87
*OK Lounge (Marion)	448	11-01-87
*Richard Davis (Albia)	1,000	2-28-88
*Ellie's Bar and Grill (Grand River)	515	3-05-88
*63-180 Truckstop (Poweshiek Co.)	1,000	5-21-88
*Mike's Prairie Home (Ollie)	100	6-16-88
First Place Lanes (Audubon)	1,000	7-05-88
**Chico's Supper Club (Burr Oak)*	283	7-10-88
Handi-Klasz, Inc. (Webster City)	1,000	8-02-88
**Twelve Mile House (Bernard)*	299	8-15-88
City of Mason City	300	8-17-88
Merle Kuppinger (Mason City)	500	8-20-88
**Don Scribner (Nashua)*	900	8-21-88
Ainsworth 4-Corners Restaurant (Ainsworth)	200	9-14-88
**Vernon Heights MHP (Cedar Rapids)*	500	9-15-88
*Reed's Interstate Sales (New Virginia)	215	9-21-88
City of Ricketts	300	9-22-88
**Dumont Auto Parts (Dumont)	400	10-12-88
City of Norwalk	1,000	10-12-88
Motel Grinnell (Grinnell)	200	10-15-88
**Lawrence Payne (Ottumwa)*	475	10-23-88
The Hayloft Tavern (Grant)	960	10-28-88
**Jesco's Steakhouse Lounge (Castana)	25	11-04-88
Ames Baptist Church & Academy (Ames)	50	11-08-88
Natural Gas Pipeline Co. of America (Harper)	100	11-08-88
Lakeview Inn (Hamburg)	200	11-09-88
Knollwood Mobile Home Court (Iowa City)	200	11-10-88
Meadow Mist Motel (Oelwein)	200	11-12-88
Tonja Mobile Home Park (Council Bluffs)	230	11-19-88
Welcome Inn (Palo)	215	12-04-88
G. S. Marina (Iowa City)	215	12-05-88
Vernon Kinsinger (Kalona)	1,000	12-05-88
City of Lidderdale	300	12-06-88
Izaak Walton League (Iowa City)	215	-----
McCabe's Supper Club (Burr Oak)	335	12-14-88
Lee Co. Sanitary Landfill (Ft. Madison)	600	12-14-88
Dallas E. Robinson (Mason City)	400	12-15-88
North Pine Mobile Service Station (Davenport)	215	12-15-88
Bronson Water Supply	230	12-17-88
Ackley Food Processors (Ackley)	1,000	12-28-88
William C. Augustine (Rose Hill)	1,000	-----
Southwest Polk Water Company (Ankeny)	100	-----

\*Referred to Attorney General  
 \*\*On Payment Schedule

November 1988

Environmental Protection Commission Minutes

The following administrative penalties have been appealed:

NAME/LOCATION	AMOUNT
Iowa City Regency MHP	1,000
Thomas E. Lennon (Barnum)	700
Great Rivers Coop (Atavia)	1,000
1st Iowa State Bank (Albia)	1,000
Stan Moser (Hudson)	250
Cloyd Foland (Decatur)	800
Land O' Lakes, Inc. (Ellsworth)	1,000
City of Marcus	1,000
Milo Chalfant, et.al. (Webster City)	1,000
City of Neola	1,000
Cindi's Chanti (Elgin)	560
Bill Keough (Fertile)	700
Superior-Ideal, Inc. (Oskaloosa)	1,000
City of Olds	1,000
Mark Twain Meadows Homeowners Assoc. (Muscatine)	1,000
Miller Products Co. (Osceola)	1,000
City of Elberon	400
R. V. Hopkins, Inc. (Davenport)	1,000
David DeWaard (Kanawha)	1,000
Linwood Mining and Minerals (Davenport)	600
Howard Gross (Ottumwa)	800
Arthur Pape (Ottumwa)	800
IBP, inc. (Columbus Junction)	600
Pony Creek Homeowners Assn. (Glenwood)	515

\*Referred to the Attorney General

\*\*On Payment Schedule

The following administrative penalties were paid in October:

NAME/LOCATION	AMOUNT
**Jesco's Steakhouse Lounge (Castana)	25
Springbrook Country Club (DeWitt)	100
Celotex Corporation (Ft. Dodge)	400
Dayton Oaks Camp (Dayton)	50
Dew Drop Inn (McClelland)	100
Exide Corp. (Burlington)	400
City of Algona	500
Harry Brocka (Dumont)	800
Risco, Inc. (Ames)	75
City of Alden	200
*Clair-View Acres Store (Delhi)	210
City of Dakota City	1,000
Manchester Golf & Country Club (Manchester)	50
City of Thompson	200
City of Thompson	325
TOTAL	\$4,435

The \$500.00 penalty assessed to the City of University Park has been rescinded.

The \$500.00 penalty assessed to the City of Jewell has been rescinded

\* Referred to the Attorney General

\*\* On Payment Schedule

ADMINISTRATIVE PENALTY SUMMARY

10-01-88

The table below summarizes administrative penalty assessments through September 1988. The penalty rules became effective in September 1985 and the first penalty order was issued in October 1985. Penalties are not due until at least 60 days after an order is issued, so collections did not start until approximately January 1, 1986.

The first column of this table is a rough breakdown of the environmental program and violation types for which penalties have been assessed. The next four columns state the dollar amounts collected during the stated time periods, and the number of cases in parentheses. Total collections are presented next. The last column states similar data for cases still pending as of October 1, 1988 (penalties appealed, delinquent or assessed but not yet due.

Violation Type	FY 86	FY 87	FY-88	TOTAL FY86-88	FY 89-1st	PENDING
WW Discharge	\$ 1,400 (2)	\$12,950 (18)	\$ 9,900 (18)	\$ 24,250 (38)	\$ 2,250 (2)	\$ 5,000 (6)
WW Monitoring	815 (3)	1,610 ( 5)	4,892 (11)	7,317 (19)	---	3,200 (4)
WW Other	---	2,500 ( 3)	5,950 (11)	8,450 (14)	672 (2)	6,400 (8)
SW Permit	1,500 (4)	6,100 (11)	8,598 (12)	16,198 (27)	---	---
SW Open Dumping	1,250 (2)	4,000 ( 7)	4,175 (10)	9,425 (19)	750 (4)	4,525 (8)
Air Permit	2,600 (3)	3,950 ( 6)	9,275 (14)	15,825 (23)	800 (2)	3,600 (5)
Air Open Burning	625 (2)	3,650 ( 7)	5,250 (10)	9,525 (19)	350 (2)	3,100 (4)
WS Monitoring	1,859 (20)	7,178 (58)	11,186 (75)	20,223 (153)	4,835 (24)	8,710 (27)
WS Permit	598 (2)	---	3,225 (7)	3,823 (9)	---	3,415 (6)
Flood Plain	---	150 ( 1)	1,200 (2)	1,350 (3)	---	3,900 (5)
HC Notice	---	600 ( 1)	3,750 (7)	4,350 (8)	600 (1)	---
Water Use	---	---	150 (2)	150 (2)	---	---
Construction Permit	---	100 ( 1)	---	100 (1)	150 (1)	---
TOTALS	\$10,647 (38)	\$42,788 (118)	\$67,551 (179)	\$120,986 (335)	\$ 9,307 (38)	\$42,750 (73)

MPM-1.206/rg

November 1988

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 ATTORNEY GENERAL REFERRALS  
 November 1, 1988

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)	Updated	Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred	12/16/82
					EPA suit filed	2/26/87
					State intervention	3/05/87
					Motion to dismiss granted/denied	2/26/88
					Filed interlocutory appeal	3/11/88
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Argued in circuit court	11/14/88
					Referred	2/16/88
					Referred	2/20/87
					Suit Filed	4/23/87
					Default Judgment \$7500	6/22/87
Bozarth and Bell, Inc. Davenport (6)	Updated	Solid Waste	Open Dumping	Order	Second lawsuit filed	8/07/88
					Motion to set aside overruled	10/30/87
					Funds condemned (\$2,528)	3/18/88
					Consent Decree	8/23/88
					Filed new case	11/01/88
Bryant, Robert E. Cherokee (3)		Wastewater	Prohibited Discharge	Order	Referred	6/01/86
					Suit Filed	9/08/86
Clair View Acres Store Delhi (3)	Updated	Drinking Water	Monitoring/Reporting, Bacteria	Order/Penalty	Bankruptcy Proceedings	
					Discovery Proceeding	
Cooper, Kenneth/Hunter Oil Winburn (5)		Storage Tank	Spill Cleanup	Order	Referred	8/17/88
					Penalty paid	10/07/88
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Cooper Referred	10/27/87
					Hunter Referred	8/17/88
Eilers, Dwayne Waterloo (1)		Flood Plain	Unauthorized Fill	Referred to Attorney General	Referred	6/22/88
					Suit Filed	8/11/88
Farmers Cooperative Elevator Co. Radcliffe (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/84
					Suit Filed	11/01/85
Finlan Landfill Chickasaw County (1)		Solid Waste	Permit/Fee	Court Order	Default Judgment	1/12/87
					Bankruptcy	
IBP, Inc. (Langenfeld) Denison (4)		Wastewater	Prohibited Discharge	Order	Referred	7/20/88
					Referred	11/17/87
King, James & Julia Warren County (5)		Flood Plain	Channel Change	Order	Referred	8/20/87
					Suit Filed	10/08/87
Lakewood Sanitary District (5)	Updated	Wastewater	Maintenance		Trial	11/ /88
					Referred	4/26/88
Leamer, Delbert; JTM Ind. Pleasant Valley (6)		Solid Waste	Open Dumping	Order/Penalty	Consent Decree	10/10/88
					Referred	11/17/87
Mike's Prairie Home Ollie (6)		Drinking Water	Monitoring/Reporting, Nitrate	Order/Penalty	Referred	8/17/88
					Referred	8/17/88
Poggemiller, William et.al. Louisa County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred	3/20/87
					Suit Filed	6/25/87
Renslow, Donald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred	8/17/88
					Referred	9/18/84
Salisbury, Ronald. Presto-X Des Moines (5)		Hazardous Waste	Treatment and Storage Violations	Referred to Attorney General	Judgment	5/86
					Appealed to Sup. Court	7/86
					Decided in our favor	12/23/87

## Environmental Protection Commission Minutes

November 1988

ATTORNEY GENERAL REFERRALS  
November 1, 1988

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Scribner, Don Nashua (1)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Motion for summary judgment Summary judgment granted	7/20/86 9/26/86 10/24/86
Shelter Shield Buffalo Center (6)		Air Quality	Excess Emissions; Construction w/o permit	Order/Penalty	Referred Suit Filed Default Judgment \$7,500	2/20/87 6/30/87 12/22/87
63-180 Truckstop Poweshiek Co. (5)		Wastewater	Monitoring/Reporting, Discharge limitations, operational violations	Order/Penalty	Referred	8/17/86
Vernon Heights Mobile (1)		Drinking Water	Monitoring/Reporting, Bacteria	Referred to Attorney General	Referred	6/22/88
University Park, City of (5)		Wastewater	WIP	Order/Penalty	Referred	9/28/88
Wilton Steel Processing (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/17/88
Waterhouse, James & Berna Washington County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed Trial Set Summary Judgment Granted the State	3/16/87 5/13/87 5/13/88 9/30/88
Wolleson, Robert C. Buena Vista and Cherokee Counties (3)	Updated	Wastewater	Prohibited Discharge	Order	Referred Consent Decree Contempt Finding Contempt Finding Contempt Finding Contempt Hearing Set	11/27/84 4/25/85 7/02/85 9/25/86 8/24/87 11/14/88
Woodland Park Jones County (1)		Wastewater	Prohibited Discharge	Order	Referred Suit Filed Temporary Injunction Trial Date Set	7/31/86 11/09/86 2/13/87 1/17/88
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Motion to Dismiss Denied Referred Counter Claim Filed	12/18/84 3/06/85 8/07/85 7/12/85 10/85
					Trial Held Judgment for Department Appealed to Supreme Court Arrued in Court of Appeals	6/16/87 8/18/87 9/01/87 9/19/88
Reed's Interstate Sales New Virginia (5)	New	Drinking Water	Monitoring/Reporting Bacteria	Order/Penalty	Referred Proposed Settlement	10/20/88
Jerry Jansen Kellogg (5)	New	Fish Kill	Prohibited Discharge	Referred to Attorney General	Referred	10/20/88

E88Nov-27

November 1988

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
November, 1988

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-17-85	City of Bevington	Administrative Order	WW	Hansen	Settled.
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued; cleanup study progressing.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Waukeg	Administrative Order	WS	Hansen	Amended Admin. Order Issued.
12-11-86	Eloise Reese	Permit Condition	FP	Clark	Permit decision affirmed. Appealed to EPC.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	WC	Landa	Clean-up proceeding.
10-22-87	University Park	Administrative Order	WW	Hansen	Appeal withdrawn.
12-11-87	Finlan Landfill	Permit Revocation	SW	Kennedy	Settlement negotiations.
12-31-87	City of Tipton	Administrative Order	WW	Hansen	Amended order issued.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	WW	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodsmans Westwood Mills	Administrative Order	SW	Landa	Continued pending resolution. Well constructed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase I complete. Additional investigation necessary
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Order upheld. Appealed to EPC.
4-13-88	Land O'Lakes, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Negotiating before filing.
6-03-88	Milo Chalfant, et.al.	Administrative Order	SW	Landa	Default judgement.
6-03-88	Neola, City of	Administrative Order	WW	Murphy	Proposed settlement 10-28-88.
6-22-88	Cindi's Chanti	Administrative Order	WS	Murphy	Negotiating before filing.
6-23-88	Bill Keouh	Administrative Order	AQ	Landa	Settlement negotiations.
7-01-88	Olds, City of	Administrative Order	WS	Landa	Negotiating before filing.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing rescheduled for 11-15-88.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Hearing continued.
7-25-88	Aspro, Inc.	Operation Permit	WW	Landa	Hearing continued.
7-25-88	The R.J.S. Enterprises Corp. and Ralph J. Hobbs	Administrative Order	AQ	Landa	Hearing continued.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Hearing continued.
8-10-88	Dennis Elwell Investment Co.	Construction Permit	WW	Hansen	Hearing continued. Settlement negotiations.
8-12-88	Elberon, City of	Administrative Order	WS	Clark	Negotiating before filing.
8-17-88	Wash Prairie Lutheran Church	Administrative Order	WS	Murphy	Settled.
8-18-88	Mark Twain Meadows	Administrative Order	WS	Murphy	Hearing held 10-26-88.
8-23-88	Verna Johanningmeier	Administrative Order	WW	Kennedy	Settled.
8-29-88	Miller Products Co.	Administrative Order	WW	Hansen	Settled.
8-26-88	R.V. Hopkins	Administrative Order	AQ	Landa	Negotiating.
9-01-88	Linwood Mining & Minerals Corp.	Administrative Order	AQ	Landa	Hearing continued.
9-13-88	David DeHaard	Administrative Order	AQ	Landa	Settled.
9-28-88	Deere & Company	SHA Denial	SW	Landa	Hearing scheduled 11-29-88.
10-03-88	A. Gross/H. Pape	Administrative Order	FP	Clark	Negotiating before filing.
10-06-88	Mecha Caba Subdivision	Permit Revision	WS	Hansen	Hearing set for 12-6-88.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Hearing set for 12-7-88.
10-10-88	Pony Creek Homeowners	Administrative Order	WS	Murphy	Hearing set for 12-8-88.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	WC	Landa	Hearing scheduled for 12-13-88.

This was an informational item; no action was required.

PROPOSED RULES -- LANDFILL GROUNDWATER MONITORING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Copies of revised proposed rules addressing groundwater monitoring requirements at sanitary landfills were distributed to the commission at their November meeting for review and discussion as an informational item. The commission will be asked to approve a notice of intended action to solicit public review and comment on these proposed rules incorporating any additional changes the commission believes necessary as a result of their review.

(NOTICE OF INTENDED ACTION ON FOLLOWING 16 PAGES)

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action

Pursuant to Iowa Code section 455B.304, the Environmental Protection Commission adopts amendments to 567--Chapter 100, "Scope of Titles-Definitions-Forms-Rules of Practice" and 567--Chapter 103, "Sanitary Landfills," Iowa Administrative Code and part of a new 567--Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities."

In accordance with Iowa Code section 455B.304, the Commission is required to adopt rules establishing standards for construction, operation and maintenance of hydrologic monitoring systems in sanitary landfills. In accordance with this authority, the Commission proposes to adopt amendments to existing rules in order to provide quantitative standards and methodology to be used by the landfill authority for applying these standards. These standards are to be applied to facilities which dispose of solid waste by burial.

The Department proposes to give notice to facilities based on the following priority:

1. Proximity to public or private water sources (aquifer, surface, potable, recreational and geologic setting considerations).
2. Facilities with leachate migration problems and/or minimal groundwater monitoring systems;
3. Facilities applying for a new permit or permit amendments which involve major lateral and/or vertical expansion;
4. With notice of permit expiration and prior to renewal.

These amendments may impact sanitary landfills economically and operationally.

Public hearings will be held at various locations.

These rules are intended to implement Iowa Code section 455B.304.

The following amendments are proposed:

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ITEM 1. Amend rule 567--100.2(455B) by adding or substituting the following definitions in alphabetical order:

"Annular space" means the open space formed between the borehole and the well casing.

"Aquifer" means a saturated geologic formation or combination of formations which has appreciably greater ability to transmit water than do adjacent formations. Typically, an aquifer is capable of yielding usable quantities of water to a well.

"Confined aquifer" means an aquifer with a confining bed above and below. Water in a confined aquifer is under pressure such that water rises above the top of the aquifer in a well which penetrates the aquifer.

"Confining bed" means a geologic formation exhibiting relatively low ability to transmit water compared to adjacent formations. Confining beds are typically not capable of yielding usable quantities of water to a well.

"Downgradient" means direction of decreasing hydraulic head.

"Downgradient well" means a well which has been installed downgradient of the site and is capable of detecting the migration of contaminants from the site.

"Geologic cross section" means a drawing of a subsurface profile showing the various strata encountered based on at least three soil borings.

"Groundwater flow path" means the route of water (and contaminant) travel within the groundwater system.

"Hydraulic head: means the energy contained at a point in the groundwater system. Hydraulic head is measured as the elevation to which water rises in a piezometer.

"Landfill property" means the entire area of the landfill including the disposal site and any other contiguous property proposed for actual landfill use.

"Leachate" means a liquid that has percolated through or drained from a solid waste landfill.

"Mean" is the sum of all the measurements divided by the number of measurements.

"Perched saturated zone" is a localized saturated zone occurring above the regional zone of saturation. The perched saturated zone's presence is caused by a lens of relatively impermeable material within the unsaturated zone that impedes the downward movement of water toward the zone of saturation.

"Piezometers" are devices used to measure hydraulic head at a specific point in the groundwater system. Piezometers are generally small diameter wells sealed along the entire length and open to water only at the bottom through a short section of well screen, which is the point where hydraulic head is measured. A piezometer may be constructed similar to a monitoring well or may be a driven well point.

"Potentiometric surface" is the imaginary surface that represents the level to which water from an aquifer (confined or unconfined) will rise in wells.

"Shelby tube" is a thin-walled, seamless steel tube with a sharp cutting edge which is used to obtain undisturbed samples of cohesive or moderately cohesive soils (silts and clays).

"Site" means any location, place or tract of and used for collection, storage, conversion, utilization, incineration or landfilling of solid waste, to include the landfill area, nonfill work areas, borrow areas plus a 100-foot-wide perimeter surrounding the working areas or the property line if it is closer than 100 feet to the working areas.

"Soil boring" means a hole drilled or driven into the subsurface for the purpose of determining subsurface characteristics.

"Specific yield" is the ratio of the volume of water that a given mass of saturated rock or soil will yield by gravity to the volume of that mass. This ratio is stated as a percentage.

"Split spoon sampler" means a device used in conjunction with a drilling rig to obtain core samples from unconsolidated strata.

"Standard deviation" means the square root of the variance.

"Storage coefficient" is the volume of water an aquifer releases from or takes into storage per unit surface area of aquifer per unit change in head.

"Transmissivity" is the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient.

"Tremie tube" means a pipe used to fill the annular space in a well from the bottom up.

"Unconfined aquifer" means an aquifer which does not have a confining bed above it. The level of water in a well in an unconfined aquifer is below the top of the aquifer formation.

"Unsaturated zone" is the subsurface zone above the water table in which the interstitial spaces are only partially filled with water.

"Upgradient" means direction of increasing hydraulic head.

"Upgradient well" means a well which is capable of yielding groundwater samples that are representative of regional conditions and are not affected by

the landfill site. Such a well is typically placed upgradient of the site, if possible, and, if not, is placed in an upgradient direction and as near the site as feasible.

"Variance" means the sum of the squared differences between the actual measurement and the mean divided by one less than the number of measurements.

"Water table" means the water surface below the ground at which the unsaturated zone ends and the saturated zone begins.

"Zone of saturation" is the subsurface zone below the water table in which the interstitial spaces are completely filled with water.

ITEM 2. Amend subrule 103.2(1) by adding the following new paragraph "l." Reletter existing paragraph "l" as new paragraph "m."

1. The required soil and hydrogeologic design information specified in chapter 110.

ITEM 3. Amend subrule 103.2(2) by deleting paragraphs "j" and "k," and relettering the remaining paragraphs.

ITEM 4. Amend rule 103.2(455B) by adding the following subrules:

103.2(3) Hydrologic monitoring system. The owner or operator of a solid waste disposal facility shall operate and maintain a hydrologic monitoring system which includes a sufficient number of groundwater monitoring wells and surface water monitoring points to determine the impact, if any, that the sanitary disposal project is having on the adjacent waters. The hydrologic monitoring systems shall enable early detection of the escape of pollutants from a sanitary landfill.

The hydrologic monitoring system shall be planned, designed and constructed in accordance with the provisions of Chapter 110(455B), and implemented in accordance with the following schedule:

a. A hydrologic monitoring system plan shall be submitted to the department for review and approval with any application for a new permit. Installation of the approved system shall be completed prior to the deposition of solid waste into the landfill.

b. A hydrologic monitoring system plan shall be submitted with applications for permit renewal, not later than the date of renewal, with completion of installation and operation within one year of approval of the plan. However, an existing landfill with a date of renewal occurring after the effective date of these rules but prior to July 1, 1990, shall submit a hydrologic monitoring system plan by July 1, 1990. Installation of the plan shall be completed within one year of the date of departmental approval.

c. Upon notice of the department, a hydrologic monitoring system plan may be required to be submitted within 6 months of such notification, with completion of installation and operation of the approved plan within one year of the date of departmental approval.

103.2(4) Hydrologic monitoring system operating requirements.

a. Operational sampling requirements. All sampling shall be conducted in accordance with an approved sampling protocol, components of which are described in rule 110.8(455B).

b. Groundwater levels. The elevation of water in each monitoring well shall be measured monthly and recorded to the nearest 0.01 foot. Level measurements must be made before a well is evacuated for sample collection.

c. Surface water levels. The water level or flow rate of each surface water body sampled shall be measured and recorded at the time of sample collection.

d. First-year water sampling. During the first year of operation of the hydrologic monitoring system, samples shall be collected quarterly from each groundwater monitoring well and surface water monitoring point. The purpose

of this sample is to determine baseline water quality information and enable initial estimation of water quality variability. Samples shall be analyzed for the following parameters in addition to the parameters listed in paragraph "e" of this section, plus any additional parameter deemed necessary by the department.

1. Arsenic, dissolved.
2. Barium, dissolved.
3. Cadmium, dissolved.
4. Chromium, total dissolved.
5. Lead, dissolved.
6. Mercury, dissolved.
7. Magnesium, dissolved.
8. Zinc, dissolved.
9. Copper, dissolved.
10. Benzene.
11. Carbon tetrachloride.
12. 1,2-Dichloroethane.
13. Trichloroethylene.
14. 1,1,1-Trichloroethane.
15. 1,1-Dichloroethylene.
16. Paradichlorobenzene.

e. Routine ~~quarterly~~<sup>semi-annual</sup> watering sampling. After the first year, each monitoring point must be sampled semi-annually as specified in the facility's operation permit and analyzed for the following parameters.

1. Chloride.
2. Specific conductance (field measurement).
3. pH (field measurement)
4. Ammonia nitrogen.
5. Iron, dissolved.
6. Chemical oxygen demand.
7. Temperature (field measurement).
8. Any additional parameters deemed necessary by the department.

f. Routine annual water sampling. One sample per year from each monitoring point collected in a quarter specified in the facility's operation permit must be analyzed for the following parameters.

1. Total organic halogen.
2. Phenols.
3. Any additional parameters deemed necessary by the department.

103.2(5) Laboratory procedures.

The owner or operator of the solid waste facility must have the ground and surface water samples analyzed only by laboratories that are certified by the state of Iowa to perform public water supply sample analyses.

All analyses of parameters not covered in the Safe Drinking Water Act (SDWA) must be performed according to methods specified in SW-846 or approved by the United States Environmental Protection Agency. Any analytical method used on non-SDWA parameters deviating from those specified in SW-846 or approved by EPA must be approved by the department.

All analyses must be recorded on forms which, in addition to the analytical results, show the precision of the data set, bias, and limit of detection.

103.2(6) Analysis of sampling data. For each parameter analyzed during the first year of operation of the hydrologic monitoring system, as listed in paragraph 103.2(4)"d" above, determine the mean and standard deviation for each upgradient monitoring well using the first year of data. For routine semi-annual monitoring parameters, as listed in paragraph 103.2(4)"e" above,

mean and standard deviation should be recalculated annually using all available analytical data.

If the analytical results for a downgradient monitoring point do not fall within the control limits of two standard deviations above the mean parameter(s) level in a corresponding upgradient monitoring point, the owner or operator shall submit this information to the department within 30 days of receipt of the analytical results. If the analytical results from an upgradient monitoring point do not fall within two standard deviations of the mean parameter(s) level for that monitoring point, the department shall also be notified within 30 days.

103.2(7) Additional sampling. The department will determine if additional sampling is warranted, after receipt of information indicating a possible release as required in subparagraph 3. above. The department may require any additional samples to be split and analyzed to determine if the values obtained outside the control limits were the result of laboratory or sampling error. Any additional analytical results shall be submitted to the department by the owner or operator within seven days of receipt. The department will review the information and determine if additional monitoring or preparation of a groundwater quality assessment plan, in accordance with subsection 103.2(9), is necessary.

103.2(8) Record keeping and recording.

a. The persons conducting the sampling must record the procedures, measurements and observations at the time of sampling. The field records must be sufficient to document whether the procedures and requirements specified in the sampling protocol have been followed. The records must also contain the names of the persons conducting the sampling, the time and date each monitoring point was sampled, the required field measurement or test result. The owner or operator must submit copies of these field records to the department if requested.

b. The owner or operator shall keep records of analyses and the associated groundwater surface elevations for the active live and postclosure period of the facility. These records shall be kept at the site or in the administrative files of the owner or operator, and shall be available for review in the county which the landfill is located by the department upon request.

c. The owner or operator shall provide the department with copies of the quarterly monitoring analytical results by the dates specified in the facility's operation permit.

d. An annual report summarizing the effect the facility is having on ground and surface water quality shall be submitted to the department by November 30 each year. The summary is to be prepared by an engineer registered in the state of Iowa and incorporated in the November semiannual engineer inspection report. The contents of this summary are to include the following items:

1. Amounts and kinds of wastes accepted under Special Waste Authorizations.
2. A narrative describing the effects the facility is having on surrounding surface and groundwater quality and any changes made or maintenance needed in the monitoring network.
3. Graphs showing concentrations versus time for all monitoring parameters for each well for as long as records exist for that parameter. Control limits (-two standard deviations from the initial background value) must be shown in each graph.
4. Results of activities and tests required by the well maintenance and performance reevaluation plan described in paragraph 567--110.1(1)"b"5 shall be submitted to the department.

103.2(9) Groundwater quality assessment plan.

a. If leachate migration occurs and, as required by the department, the owner or operator shall develop and submit for approval a specific plan to conduct a groundwater quality assessment study at the facility to determine the rate of migration and the extent and constituent composition of the leachate release. At a minimum, the assessment monitoring plan must contain the following elements:

1. Discussion of the hydrogeologic conditions at the site with an identification of potential contaminant pathways.
2. Description of the present detection monitoring system.
3. A description of the approach the owner or operator will take to substantiate any contention that the contamination may have been falsely indicated.
4. Description of the investigatory approach used to characterize the rate and extent of leachate migration.
5. Discussion of the number, location and depth of wells that will be initially installed as well as a strategy for installing more wells in subsequent investigatory phases.
6. Information on well design and construction.
7. Description of the sampling and analytical program used to obtain and analyze groundwater monitoring data.
8. Description of data collection and analysis procedures.
9. Schedule for the implementation of each phase of the assessment study.
- b. After the plan has been approved by the department, the owner or operator shall implement the plan according to the schedule in the plan.
- c. Within 90 days after the activities prescribed in the groundwater assessment plan have been completed, the owner or operator shall submit a written groundwater quality assessment report to the department.

d. If the department determines that no waste or waste constituents from the facility have entered the groundwater, the owner or operator shall reinstate the routine monitoring program.

If the department determines that waste or waste constituents have been released from the facility and have entered the groundwater, the owner or operator shall continue to make the determinations described by the assessment plan and develop a remedial action/mitigation plan to alleviate or reduce contamination to the fullest extent possible.

103.2(10) Postclosure monitoring requirements.

a. At least six months prior to closing the site, the owner or operator of a sanitary landfill shall submit a plan to the department for approval detailing a 30-year postclosure monitoring program.

b. The department will review the facility's postclosure monitoring records at five-year intervals to determine if changes in the monitoring frequencies or parameters are required.

c. The commission may adopt rules on a site-specific basis identifying additional monitoring requirements for sanitary landfills for which the postclosure monitoring period is to be extended.

ITEM 5. Add the following part of new Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities."

Chapter 110  
Design, Construction and Operation Standards  
For Solid Waste Management Facilities

567--110.1(455B) This chapter pertains to the hydrologic monitoring system standards for solid waste disposal facilities.

567--110.2(455B) Hydrologic monitoring system planning requirements.

110.2(1) All plans, specifications and other documentation required herein must be developed by an engineer registered in Iowa.

110.2(2) All sanitary disposal projects shall conduct a soil and hydrogeologic investigation which conforms to the requirements of this chapter. The purpose of soil and hydrogeologic investigation is to obtain migration from a site via groundwater. The following items are minimum requirements for such investigations. Additional work and use of other methods (e.g., geophysical techniques) are encouraged.

567--110.3(455B) Soil investigation.

110.3(1) Soil borings.

a. Number of borings. A sufficient number of soil borings shall be made to accurately identify the hydrogeologic variations of the site. For new sites, the minimum number of borings required is 10 for sites of 10 acres or less, 20 for sites of 10 to 50 acres, and 20 plus for additional boring for every 10 acres above 50 acres for sites larger than 50 acres. Fewer borings may be needed for existing sites, depending on previous work done at the site. Also, no borings will be required in existing fill areas. The department may require additional borings based on the geological complexity of the site.

b. Depth of borings. All borings must extend a minimum of 25 feet deep and at least 10 feet deep below the water table. However, borings in proposed fill areas shall be terminated 10 feet above the uppermost aquifer or grouted to provide such separation. At least half the borings located outside the existing or proposed fill area shall extend 10 feet into the uppermost aquifer, 50 feet below the water table, or 10 feet into bedrock. At least one boring shall go 10 feet into bedrock, or 100 feet below the lowest ground surface elevation.

c. Boring method. Borings shall comply with the applicable portions of subrule 567--110.1(3). The preferred boring method is hollow stem auger, although it may be necessary to use other methods at greater depths and in bedrock. When wet drilling methods are used for boring in which monitoring wells or piezometers are installed, the drilling fluid and methods and development procedures shall be approved by and documented with the department.

110.3(2) Soil samples. Samples shall be collected at five-foot intervals plus at every change in stratum. These samples should be obtained using a split spoon sampler and the procedures of the standard penetration test, conducted in accordance with American Society of Testing and Materials (ASTM) Standard D1586. This test simply counts the blows of a 140-pound hammer falling 30 inches on the sampler per foot penetration of the sampler. A minimum of one undisturbed Shelby Tube sample shall be obtained in the uppermost cohesive stratum at or below the lowest depth at which solid waste will be disposed. Shelby Tube sampling shall be in accordance with ASTM Standard D1587. Samples should be clearly marked, preserved, and maintained for future inspection. Samples selected for laboratory analysis shall be preserved and transported to the laboratory in accordance with ASTM Standard D422.

110.3(3) Laboratory test of discrete soil samples. Laboratory tests of discrete soil samples shall be conducted to correlate strata between soil borings, obtain permeability data on each strata, and design monitoring wells.

a. Permeability Tests: Permeability tests using a constant-head or falling head permeameter shall be run on a minimum of one sample from each Shelby Tube

sample. Each sample shall be from a different soil boring representing a different area of the site.

b. Grain size distribution: Grain size distribution tests should be conducted on a minimum of one sample from each distinct stratum. Analysis should be conducted in accordance with ASTM standards D422 and D1140. Estimates of permeability shall be developed for each sample tested based on grain size distribution and standard penetration blow counts.  
567--110.4(455B) Hydrogeologic investigation.

110.4(1) Groundwater level measurements. The elevation of the water table shall be determined at or near the location of each soil boring which penetrates the water table. The water table may be determined using a completed water table monitoring well, or piezometer. The bottom of a piezometer used to measure water table elevation shall be no more than five feet below the water table.

The apparent horizontal groundwater flow direction should be determined based on water table measurements. Vertical groundwater flow shall then be assessed in at least two profiles approximately parallel to the apparent horizontal flow direction. Vertical groundwater flow shall be assessed using at least two well clusters per profile. Each well cluster shall contain a water table monitoring well or piezometer and additional water level monitoring points based on site conditions as follows:

a. If the water table is in the uppermost aquifer, one additional water level monitoring point is to be located near the base of the aquifer or at least 20 feet below the base of the water table monitoring point. This additional monitoring point may not be required if the aquifer is less than 20 feet thick.

b. If the uppermost aquifer is less than 50 feet below the water table, an additional water level monitoring point shall be located at the top of the aquifer.

c. If the uppermost aquifer is more than 50 feet below the water table, additional water level monitoring points shall be placed at depths of 30 feet and 50 feet below the water table.

d. If required, the one deeper soil boring into bedrock shall be used as a site for one well cluster. Water table monitoring points in this cluster shall correspond to the other well cluster used for a profile. In addition, water level monitoring points shall be placed at the bottom of the boring and, if possible, at the top and bottom of the uppermost aquifer.

Groundwater level measurements should be made after the water levels have stabilized in the monitoring point; at least 24 hours after completion and bailing of the monitoring well, or installation of the piezometer. The water level in existing wells shall be observed and recorded prior to bailing. Each set of water level measurement shall be made in as short a time frame as possible; within an eight-hour period maximum.

110.4(2) In-situ permeability tests. In-situ permeability tests shall be conducted on each monitoring well and piezometer in each well cluster.

a. Pumping test. If more than one monitoring point is located in the uppermost aquifer, a pumping test should be conducted at one or more upper aquifer monitoring point. A pumping test involves pumping at constant rate from one well while observing water levels in other wells. The pumping rate should be as high as possible without dewatering the well. Water level measurements in other uppermost aquifer wells should be measured at frequent intervals near the start of the test and then at progressively longer intervals (e.g., one-minute intervals to 10 minutes, five-minute intervals to an hour, 15-minute intervals to two hours, and half-hour intervals

thereafter). Continuous water level recording is preferable. Water levels in wells not located in the uppermost aquifer should be recorded throughout the test at regular intervals (e.g., every half hour). Water levels in all wells should be measured 24 hours prior to the test and just before the test. The test duration should be at least four hours and continuing until a stabilized drawdown condition is observed. Longer tests may be necessary if other uppermost aquifer monitoring points are slow to respond. Water level readings should be recorded through the recovery phase of the water table.

b. Bail and slug tests. Monitoring wells and piezometers located in materials with low permeabilities should be tested using bail or slug tests. These tests involve rapidly removing or adding a known volume of water to a well and then recording water levels in the well as it recovers to its original level. Typically, the necessary frequency of measurements will be similar to that required of pumping tests. In materials of very low permeability, less frequent measurements are necessary; and in materials of higher permeability, more frequent measurements may be necessary.

567--110.5(455B) Hydrologic monitoring system planning report requirements. The hydrologic monitoring system planning report shall contain a description of field investigations and presentation of results including a description of the field and laboratory testing methods; a presentation of the test results and field measurements; a reasonable effort to inventory all active, unused, and abandoned wells within one mile of the facility shall be made; and the identification of all public water supply wells and wells with water withdrawal permits pursuant to 567--Chapters 50, 51 and 52 within three miles of the facility. Well logs, other available information on well construction, static water levels, and usage shall be obtained. The well inventory should be based on thorough reviews of state and local collections of well logs and, when possible, interviews or surveys of well owners.

Also to be included are maps showing location of soil borings, other field tests/measurements, and existing wells shall be provided.

567--110.6(455B) Evaluation of hydrogeologic conditions.

110.6(1) Based on soil boring and other available information, a description of the site geology shall be made. This shall include preparation of geologic cross sections of sufficient number and spacing (no fewer than four at every site) to adequately define all areas of the site and of sufficient detail to adequately depict major stratigraphic and structural trends and reflect geologic structural features in relation to groundwater flow. Each pair of cross sections must be as near to perpendicular as possible to adequately portray the site geology.

110.6(2) A description of the hydrogeologic unit(s) within the saturated zone shall be made including: thickness; depth, hydraulic properties, such as transmissivity and storage coefficient or specific yield; description of the role of each as confining bed, aquifer, or perched saturated zone, and their actual or potential use as water supply aquifers.

110.6(3) All groundwater flow paths from the site shall be identified, including both horizontal and vertical components of flow. A contour map of the water table shall be presented showing horizontal flow paths. A potentiometric surface map of the uppermost aquifer showing horizontal flow paths shall also be presented, if different than the water table. Vertical flow paths shall be shown in at least two profiles approximately parallel to the direction of horizontal flow. Vertical flow paths shall be determined by water level measurements from clustered wells at different depth, if possible.

An evaluation of vertical groundwater flow based on the hydrologic properties of the various strata encountered at the site, estimated groundwater flow and recharge rates, and known information on hydraulic head shall also be made.

110.6(4) The seasonal, temporal and artificially induced variations in groundwater flow shall be evaluated. Temporal variations would occur due to natural events, such as rainfall. The addition of tilelines, removal of overburden, or deposition of wastes would constitute artificially induced variations.

110.6(5) Surface water flow paths from the site shall be identified on topographic contour maps.

567--110.7(455B) Monitoring system plan. A hydrologic monitoring system shall be designed to intercept the groundwater and surface water flow paths from the site. The plan shall include proposed locations and depths for monitoring wells in accordance with monitoring well siting criteria in subrule 567--110.1(2). Monitoring wells shall be designed in accordance with subrule 567--110.1(3).

The surface water monitoring plan shall include monitoring points on all standing and flowing bodies of water which will receive surface runoff and/or groundwater discharge from the site. For streams, sampling points upstream and downstream of areas of potential impact from the site should be selected.

567--110.8(455B) Sampling protocol.

At a minimum, the sampling protocol must include procedures or descriptions of the:

Order in which monitoring points are to be sampled, all tests and procedures needed at each monitoring point and the order in which these procedures will be carried out, equipment and containers to be used, procedures and precautions for their use; precautions to avoid introducing contaminants from outside sources into monitoring wells or samples; and how equipment must be cleaned between uses.

Procedures for evacuating each monitoring well prior to each water quality sampling,

Procedures for handling field blanks and other quality assurance samples at the facility and in transit to and from the laboratory,

Procedures for field filtration of samples, if required,

Procedures for sample preservation,

Procedures for sample collection, labeling and handling at the facility and during transport to the laboratory,

Procedures for recording field observations and measurements,

Procedures for records maintenance and data analysis, and

Procedures for sampling surface water monitoring points including exact sampling locations and depths.

567--110.9(455B) Monitoring well maintenance performance reevaluation plan.

110.9(1) A monitoring well performance reevaluation plan shall be included as part of the hydrogeologic monitoring system plan. The plan shall ensure that all monitoring points remain reliable.

110.9(2) The plan shall include the following items:

a. Every two years an examination of high and low water levels accompanied by a discussion of the acceptability of well location (vertically and horizontally) and exposure of the screened interval to the atmosphere.

b. A biannual evaluation of water level conditions in the monitoring wells to ensure the effects of waste disposal or well operation have not resulted in changes in the hydrologic setting and resultant flow paths.

c. Annually conducting well depth measurements to ensure wells are physically intact and not filling with sediment.

d. Every five years conduct in-situ permeability tests on monitoring wells; comparing test data with those collected originally to determine if well deterioration is occurring.

567--110.10(455B) Monitoring well siting requirements.

110.10(1) Downgradient monitoring wells. Downgradient monitoring wells must be located to provide a high level of certainty that releases of contaminants from the site can be promptly detected. Downgradient monitoring wells should be placed along the site perimeter, within 50 feet of the planned liner or waste boundary unless site conditions dictate otherwise, downgradient of the facility with respect to the hydrologic unit being monitored. For those facilities which are long-term, multi-phase operations, the department may establish temporary waste boundaries in order to define locations for monitoring wells. Downgradient monitoring well placement may consider the convergence of groundwater paths to minimize the overall length of the downgradient dimension.

110.10(2) Water table wells. At least three downgradient water table monitoring wells shall be installed at each facility. The maximum spacing between wells shall be 600 feet.

110.10(3) Uppermost aquifer monitoring wells. If different than water table monitoring wells, at least three uppermost aquifer monitoring wells shall be installed at each facility. Uppermost aquifer monitoring wells shall be spaced no more than 600 feet apart. If the uppermost aquifer is located more than 50 feet below the water table, this requirement may be relaxed, although at least one downgradient uppermost aquifer monitoring well will be required.

110.10(4) Other downgradient monitoring wells. Additional downgradient monitoring wells will be required if the water table and uppermost aquifer monitoring wells do not intercept most vertical flow paths from the site. In such situations, monitoring wells shall be placed at the appropriate depths to intercept the remaining flow paths and shall be spaced at no more than 600 feet apart.

110.10(5) Upgradient monitoring wells. Upgradient monitoring wells shall not be affected by the site. At least one upgradient monitoring well shall be installed into each stratum being monitored by downgradient monitoring wells. If it is not possible to actually locate a monitoring well upgradient of the site, the well should be placed as near the site as feasible without being affected by the site.

110.10(6) Monitoring point identification system. The various types of monitoring points should be identified as follows:

Monitoring well	MW#__
Surface Water Monitoring Point	SW#__
Piezometer	PZ#__

Each monitoring point must have a unique number, regardless of the type of monitoring point, and that number must never change.

567--110.11(455B) Monitoring well/soil boring construction standards.

110.11(1) General considerations.

a. Contractors involved in construction of monitoring wells and piezometers and soil boring activities shall be registered with the department as required in 567--Chapter 37, Iowa Administrative Code.

b. To the extent possible, all monitoring well construction materials must not absorb, desorb, react or otherwise alter the screened soil stratum or the quality of the groundwater being sampled. Galvanized metal, glues, welding solvents, pipe thread lubricants and other foreign substances must not be used.

c. All monitoring well construction materials must be protected from contamination prior to installation.

d. A typical cross section of a properly constructed monitoring well is shown in Figure 1.

110.11(2) Casings.

a. As a minimum, the diameter of the inner casing (see Figure 1) of a monitoring well must be at least two inches.

b. Plastic cased wells must be constructed of materials with threaded, nonglued joints which do not allow water infiltration under natural subsurface pressure conditions or when the well is evacuated for sampling.

c. Well casings must provide structural stability to prevent casing collapse during installation as well as drill hole integrity when installed. Flush joint casing is required for small diameter wells installed through hollow stem augers.

d. Well casings must be constructed of inert materials such as polytetrafluorethylene, stainless steel or polyvinyl chloride. The department may approve other casing materials if the owner or operator can demonstrate the material has a low potential for biasing the water quality parameters of samples. The department may approve the construction of composite well casings (casings with less inert materials in the unsaturated zone).

110.11(3) Well screens.

a. Slot size will be based on sieve analysis of the sand and gravel stratum or filter pack. The slot size must hold out 35 percent to 60 percent of the formation material and not less than 90 percent of the filter pack.

b. Slot configuration and open area must permit effective development of the well.

c. Screen length. Maximum screen length shall be 10 feet except for water table wells in which the screen must be of sufficient length to accommodate expected seasonal fluctuations of the water table. The screen should be placed 5 feet above and below the observed water table, unless local conditions are known to produce greater fluctuations. Screen length for piezometers should be two feet or less.

Multiple screened single-cased wells are prohibited.

110.11(4) Filter pack.

a. To prevent other materials from coming in contact with the well screen, extend the filter pack 18 inches above and 12 inches below the well screen.

b. Size must be based on sieve analysis of sand and gravel stratum. The filter pack material must be 2.5 to 3 times larger than 50 percent grain size of the zone being monitored.

110.11(5) Grouting.

a. The annular space above the filter pack must be sealed with expanding cement or bentonite grout. The vertical dimension of this seal must be a minimum of three feet.

b. The annular space between the seal and to just below the frostline must be backfilled with an impervious material such as bentonite or expanding cement.

c. The remaining annular space must be sealed with bentonite grout to the ground surface.

d. Grouting materials must be installed from the top of the filter pack up in one continuous operation with a tremie tube.

110.11(6) Well protection.

a. Plastic cased wells. A protective metal casing must be installed around the well casing. The inside diameter of the protective metal casing should be at least two inches larger than the outside diameter of the well casing. Extend the protective metal casing from a minimum of one foot below the frostline to slightly above the well casing top. The protective casing should be shortened or omitted if it covers part of the well screen. Seal or immobilize the protective casing with a concrete plug around the outside. The bottom of the concrete plug must extend at least one foot below the frostline. The concrete plug should be shortened if it covers part of the well screen. Extend the top of the plug approximately three to six inches above the ground surface and slope it away from the well approximately three feet. Soil may be placed above the plug. Seal the inside of the protective casing with a bentonite grout. Place a vented cap on the well casing and a protective locking cap on the metal casing. The lockable cap must be kept locked when the well is not in use.

b. Metal cased wells. Extend the concrete plug from at least one foot below the frostline to approximately three to six inches above the ground surface and slope it away from the well approximately three feet. Soil may be placed on top of the concrete plug. Place a vented, locking cap on the casing. The lockable cap must be kept locked when the well is not in use. See Figure 1.

c. To protect against accidental damage, a ring of brightly colored posts or other protective devices must be installed around all wells.

110.11(7) Well drilling.

a. The owner or operator must ensure that in all phases of drilling, well installation and completion, the methods and materials used do not introduce substances that may alter the results of water quality analyses.

b. Well drilling equipment coming into contact with contaminants in the bore hole or above ground must be thoroughly cleaned to avoid spreading contamination to other depths or locations. Contaminated materials or leachate from wells must not be discharged onto the ground surface or into ponds or streams so as to cause environmental harm in the processes of drilling or well development.

c. The owner or operator must ensure that, at a minimum, the following well design and construction log information are retained at the site and a copy of this information sent to the department.

Date/time of construction;  
Name and address of the driller;  
Drilling method and drilling fluid used;  
Soil sampling methods;  
Surveyed location ( $\pm 0.5$  ft.);  
Soil and rock classifications;  
Field observations;  
Well name/number;  
Bore hole diameter and well casing diameter;  
Well depth ( $\pm 0.1$  ft.);  
Water level measurements;  
Drilling and lithologic logs;  
Casing materials, inside diameter and weight or wall thickness;

Screen materials;  
Casing and screen joint type;  
Screen slot size/length;  
Filter pack material/size; (depths from \_\_\_ to \_\_\_)  
Filter pack volume;  
Filter pack replacement method;  
Sealant materials; (depths from \_\_\_ to \_\_\_)  
Sealant volume;  
Sealant placement method;  
Grouting schedule and materials;  
Surface seal design/construction; (depths from \_\_\_ to \_\_\_)  
Type of protection well cap;  
Ground surface elevation ( $\pm 0.1$  ft.)  
Well cap elevation ( $\pm 0.01$  ft.)  
Top of casing elevation ( $\pm 0.01$  ft.); and  
Detailed drawing of well (include dimensions).

110.11(8) Well development. Prior to use of the monitoring well for water quality monitoring purposes, well development is required to ensure the collection of representative groundwater samples. Procedures used in well development involve using a surge block, bailing or surging by pumping or compressed inert gas to produce a movement of water at alternately high and low velocities into and out of the well screen and gravel pack in order to loosen and remove fine materials. Development of low hydraulic conductivity wells may require the circulation of water down the well casing, out through the screen and gravel pack, and up the open bore hole prior to the placement of grout or seal in the annulus. Any additional water used must be of a quality so as not to interfere with future groundwater quality determinations. Following surging, the well is pumped until the water does not contain significant quantities of suspended solids.

567--110.12(455B) Sealing abandoned wells and boreholes. Bore holes, piezometers and observation wells not used for groundwater monitoring must be sealed. Document in writing the location of the abandoned well or bore hole with reference to the landfill's coordinate system and method of sealing. The document must be retained at the landfill with a copy sent to the department.

110.12(1) Sealing bore holes. Fill the bore hole by extending a tremie tube to the bottom of the hole. Apply bentonite or expanding cement grout through the tube to the bottom of the hole and raise the tremie tube as the hole is filled from the bottom upward. Keep the end of the tremie tube submerged in the grout while filling. Fill the bore hole from the base of the boring all the way to the ground surface.

110.12(2) Sealing abandoned monitoring wells.

a. Well is known to be constructed properly with impermeable grout that was installed from the bottom up using a tremie tube. Remove any existing protective metal casing by vertically pulling it off the well. Using a tremie tube, fill the inner well casing with an impermeable grout slurry from the bottom to ground surface. After 24 hours, retop the grout if it has settled below the existing ground surface.

b. Well construction is improper or undocumented. Attempt to remove the well casing. If this fails, either drill round the well casing using a hollow stem auger of large inside diameter or drill out the well casing using a standard casing bit or solid stem auger with a boring diameter greater than the initial diameter of the hole. Drill to the maximum depth of the previously drilled boring. Clean the drilling debris from the interior of the

auger or bore hole. Seal the bore hole with an impermeable grout using a tremie tube. If the soil conditions permit the sealing to be conducted in a continuous operation, keep the tremie tube submerged in the grout at all times. After 24 hours, retop the grout if it has settled below the ground surface.

c. Monitoring wells in future fill areas. Remove well and seal as described in the procedures for sealing bore holes per 110.12(1).

110.13 Variance from design, construction, and operation standards. Pursuant to the authority of 455B.303 of the Iowa Code, a variance from the specific requirements of Chapter 110 may be issued, modified, or denied by the Director. The request should also include any supporting information to be considered by the Director in the formulation of his decision.

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Date

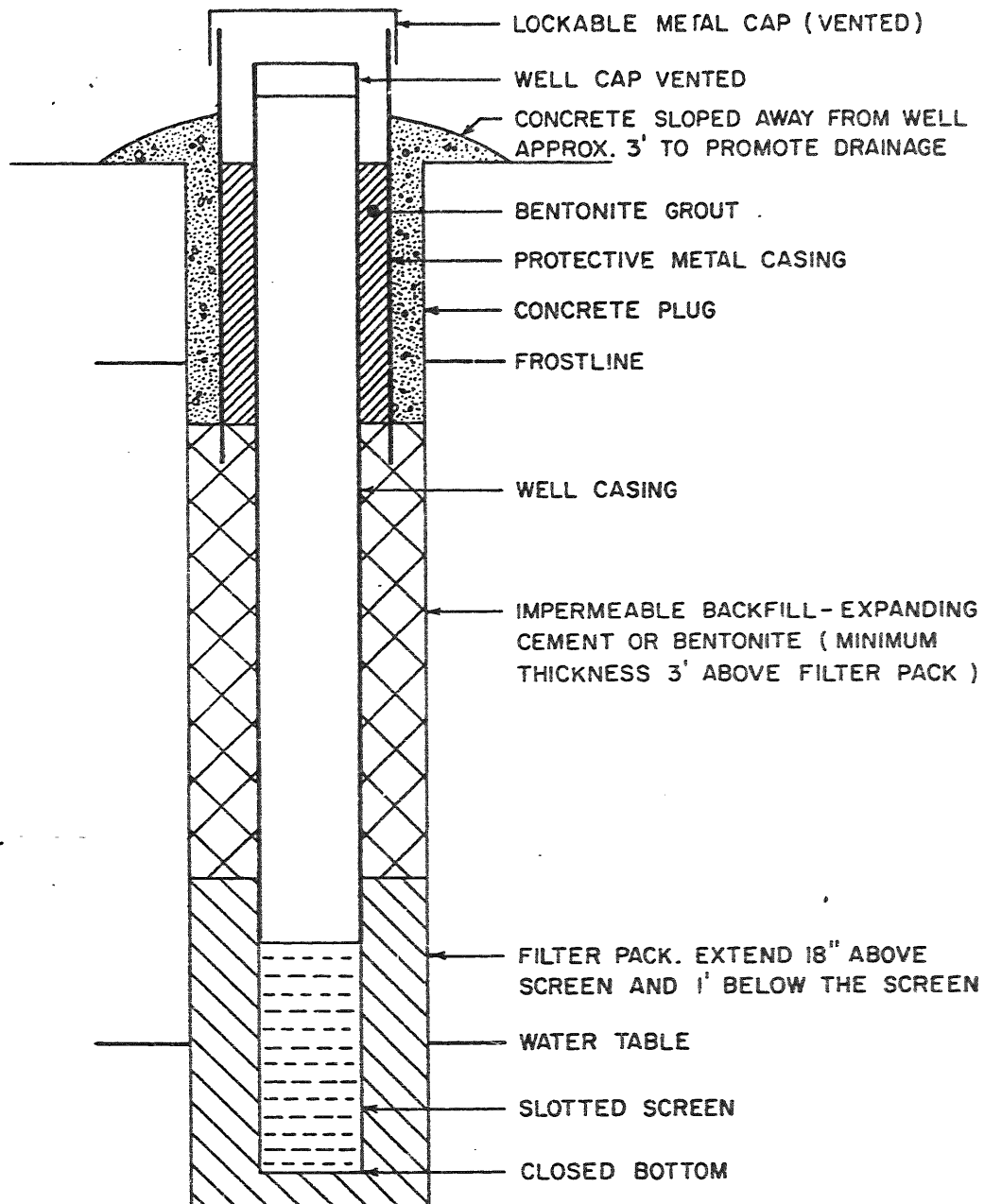
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Larry J. Wilson, Director

(A:EP100.MIN/326-88)

FIGURE 1

TYPICAL MONITORING WELL CROSS SECTION



PLASTIC CASED WELL CONSTRUCTION DETAILS

—NOT TO SCALE—

Richard Timmerman reported that a sub-committee had met several times to develop the proposed rules and there were three major points of contention: 1) spacing of the wells for shallow wells; this was changed from 300 feet to 600 feet for deep and shallow wells; 2) number of parameters to be analyzed was reduced; 3) diminished the time in which samples need to be collected, with some being quarterly and some being semi-annually.

Mr. McAllister displayed charts on an overhead projector listing parameters for sampling analysis. He further explained changes made in the proposed language.

Discussion followed.

Nancylee Siebenmann stated that she read in World Waste of pending EPA standards for solid waste management disposal. They were very strong on insisting that a component of the operation standards should be specifics regarding how one monitors what is brought into the landfill for disposal in the first place.

Mr. McAllister stated that he thinks that awareness is present in the operators now. However, the requirement to keep track of hazardous wastes going into a landfill is not in the rules.

Nancylee Siebenmann commented that she is very concerned about that and she feels it needs to be addressed as soon as possible.

Mr. McAllister stated that the department's initial proposal, when developing the tonnage fee rules, was a detailed reporting system to keep track of all vehicles coming in and it was rejected by supervisors and landfill operators across the state.

Mrs. Siebenmann stated that she feels that initial policing would be more valuable than monitoring after-the-fact, which requires remedial action.

Discussion followed regarding time requirements for collecting samples. There was a question as to whether page 4, under "e", should read "Routine semi-annual watering sampling" rather than "Routine quarterly watering sampling". Mr. McAllister stated that he will check further and make any necessary corrections before the rules are brought to the Commission in December.

This was an informational item; no action was required.

#### PUBLIC PARTICIPATION

Chairman Schlutz announced public participation at 3:50 p.m.; no one requested to speak.

CONSTRUCTION GRANTS PRIORITY LIST ADDITIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

This item relates to the federally funded and state managed Construction Grants Program for assisting communities in building needed sewage treatment works.

The department has traditionally maintained a reserve fund for the purpose of providing grant increases where actual cost of projects exceed estimated costs. The amount maintained in this reserve fund has been targeted to reasonable expectations of possible increases. Due to favorable construction cost situations ( actual costs below estimated costs ) the grant increase reserve fund actually grew during FY 1988, resulting in a FY 89 beginning reserve for grant increases greater than projected on the previously approved Fundable List and more than considered necessary. This being the case, and absent commission objection, the department proposes to add two additional projects to the FY 1989 fundable list previously approved by the commission. The next communities in line on the project priority list would be added - Nevada and Marshalltown. Department rules (567--91.9(3)) allow this type of list adjustment.

The Commission expressed no objection to the two additional projects, although caution was given to the fact that construction costs are on the rise.

This was an informational item; no action was required.

NONPOINT POLLUTION MANAGEMENT PLAN

Darrell McAllister, Bureau Chief, Surface and Groundwater Protection Bureau, presented the following item.

Section 319 of the federal Clean Water Act requires each state to submit two reports dealing with nonpoint source pollution for federal approval. A Nonpoint Assessment Report is to identify impacts nonpoint source pollution is having on the state's surface and ground waters. A state Nonpoint Pollution Management Plan is to identify actions the state intends to take during the next four years to correct nonpoint pollution problems.

Iowa's Nonpoint Assessment Report was submitted to EPA in July 1988. The department has now completed a DRAFT state Nonpoint Pollution Management Plan. A copy of this draft plan will be provided to the commission at the meeting. After initial review with the commission, the draft management plan will be made

available for public review and comment. A final draft nonpoint will be brought to the commission for concurrence at their January meeting.

Mr. McAllister stated that EPA approval of the Nonpoint Pollution Management Plan and the Nonpoint Assessment Report will make the state eligible for implementation funds that may be appropriated. He pointed out that Congress authorized \$400 million over four years to the Nonpoint Source Program, but to date they have not appropriated any of the money.

Mr. McAllister noted that the four year action plan supplements the ongoing programs already initiated in the State Groundwater Protection Act. He outlined major program efforts in detail.

PROPOSED RULE--AMEND CHAPTER 23, NEW SOURCE PERFORMANCE STANDARDS

Darrell McAllister, Bureau Chief, Surface and Groundwater Protection Bureau, presented the following item.

The state has adopted Federal New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS). The Environmental Protection Agency has adopted additional NSPS subparts and revisions in the standards, test methods and procedures required for NSPS and NESHAPS regulated sources.

The department proposes to make state rules regarding NSPS and NESHAPS consistent with federal regulations by adopting the following NSPS standards promulgated by EPA:

1. Rubber tire manufacturing- (Subpart BBB)
2. Industrial/commercial/institutional steam generating units- (Subpart Db)
3. Surface coating plastic parts for business machines - (Subpart TTT)

Two additional NESHAPS subparts have been adopted by EPA:

1. Inorganic arsenic from glass manufacturing plants- (Subpart N)
2. Inorganic arsenic from primary copper smelters- (Subpart O)

Adoption of these amendments would not impose additional restrictions on industry; only transfer authority from the federal agency to the state for enforcing these emission standards in Iowa.

The commission was provided copies of the proposed rules at their November meeting for their information and preliminary review. The commission will be asked to approve these rules for public notice and comment.

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants" by proposing to adopt by reference recently promulgated federal regulations pertaining to new source performance standards and emission standards for hazardous air pollutants and by including, as facilities affected by these standards, additional source or pollutant categories.

In order to prevent new air pollution problems, by section 111(b)(1)(A) of the Clean Air Act, the Administrator of the Environmental Protection Agency was required to publish a list of categories of major sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger health or welfare. Regulations establishing standards of performance for new sources within each category were promulgated and have been adopted by reference by the Department. Each standard of performance establishes allowable emission limitations that reflect the degree of emission limitation which is achievable through the application of the best technological system of continuous emission reduction. These regulations apply only to "new sources," that is, sources, the construction or modification of which is commenced after the proposal date of the individual rule. The rules are adopted by reference by subrule 567--23.1(2)(455B).

Similarly, by Section 112 of the Clean Air Act the EPA was required to adopt emission standards for "hazardous air pollutants," those pollutants which cause or contribute to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. These standards apply to new and existing sources and are adopted by reference by subrule 567--23.1(3)(455B).

In greater detail, the following amendments are proposed:

Item 1 amends subrule 567--23.1(2)(455B) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 60 which have been promulgated through January 29, 1988. Part 60, which sets forth federal standards of performance for new stationary sources, is amended by adding the new source categories specifically adopted herein and by amending various emission standards, opacity standards and testing methods.

Item 1 further amends subrule 567--23.1(2)(455B) by adding, as facilities specifically affected by the standards of performance for new stationary sources, the following types of facilities: Rubber tire manufacturing, and surface coating plastic parts for business machines.

Item 2 amends subrule 567--23.1(3)(455B) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 61 which have been promulgated through March 19, 1987. Part 61 which sets forth emission standards for hazardous air pollutants is amended by the addition of two new source categories. Facilities in these source categories which are affected by this amendment are primary copper smelters, and glass manufacturing plants.

Any person interested in receiving a copy of the federal regulations proposed to be adopted by reference, may contact the Department of Natural Resources. Copies are available upon request from the Department for the cost of reproduction.

Any interested party may file a written statement of position on the subjects covered by the proposed rules no later than January 5, 1989. These written statements should be directed to the Director of the Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. Persons or organizations are also invited to present oral or written comments at a public hearing on these proposed amendments which will be held on January 3, 1989 at 10:30 a.m. in the conference room of the Atlantic Municipal Utilities Building, 15 West Third Street, Atlantic, Iowa; on January 4, 1989 at 11:00 a.m. in the Gold Room of the University of Iowa, Oakdale Campus, Oakdale Hall, Oakdale, Iowa (Exit 240, I-80 to Hwy. 965); and on January 5, 1989 at 10:00 a.m. in the east half of the fifth floor conference room of the Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

These rules are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Subrule 567--23.1(2)(455B) is amended as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through June 4, 1987 January 29, 1988 are adopted by reference and shall apply to the following affected facilities. The corresponding 40 C.F.R. Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 C.F.R. Part 60 also apply to the affected facilities.

Further amend rule 23.1(2) by revising the following paragraphs:

a. Fossil fuel-fired steam generators. A fossil fuel-fired steam generating unit of more than 250 million BTU heat input for which construction, reconstruction, or modification is commenced after August 17, 1971. Any facility covered under paragraph "z" is not covered under this paragraph. (Subpart D)

1. Steel plants. Either of the following at a steel plant: Electric arc furnaces and dust handling equipment constructed after the construction, modification, or reconstruction of which commenced after October 21, 1974, and on or before August 17, 1983. (Subpart AA)

z. Electric utility steam generating units. An electric utility steam generating unit that is capable of combusting more than 250 million BTUs per hour (73 megawatts) heat input of fossil fuel for which construction or modification or reconstruction is commenced after September 18, 1978, or an electric utility combined cycle gas turbine that is capable of combusting more than 250 million BTUs per hour (73 megawatts) heat input of fossil fuel in the steam generator. (Subpart Da)

bb. Petroleum storage vessels. Unless exempted, Any storage vessel for petroleum liquids constructed; -reconstructed; -or -modified for which the construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978, having a storage capacity greater than 151,412 151,412 liters (40,000 gallons). (Subpart K)

cc. Petroleum storage vessels. Unless exempted, Any storage vessel for petroleum liquids constructed after for which the construction, reconstruction or modification commenced after May 18, 1978, and prior to July 23, 1984, having a storage capacity greater than 151,416 liters (40,000 gallons). (Subpart Ka)

tt. Equipment leaks of VOC in petroleum refineries. A compressor and all equipment (defined in 40 C.F.R. Part 60.591) within a process unit constructed for which the construction, reconstruction, or modification commenced after January 4, 1983. (Subpart GGG)

yy. Iron and steel plants. Secondary emissions from basic oxygen process steelmaking facilities for which construction, reconstruction, or modification commenced after January 20, 1983. (Subpart Na)

zz. Equipment leaks of VOC from on-shore natural gas processing plants. A compressor and all equipment defined in 40 C.F.R., Part 60.631, unless exempted, which commences construction for which construction, reconstruction, or modification commenced after January 20, 1984. (Subpart KKK)

aaa. On-shore natural gas processing: SO<sub>2</sub> emissions. Unless exempted, Each sweetening unit and each sweetening unit followed by a sulfur recovery unit which commences construction for which construction, reconstruction, or modification commenced after January 20, 1984. (Subpart LLL)

bbb. Nonmetallic mineral processing plants. Unless exempted, Each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or rail car loading station in fixed or portable nonmetallic mineral processing plants for which construction, reconstruction, or modification was commenced after August 31, 1983. (Subpart 000)

ccc. Industrial-commercial-institutional steam generating units. Unless exempted, each Steam generating units unit for which construction, reconstruction, or modification commenced after June 19, 1984, and which has a heat input capacity of more than 100 million Btu/hour. (Subpart Db)

ddd. Volatile organic liquid storage vessels. Unless exempted, Volatile organic liquid storage vessels which--commence--construction for which construction, reconstruction, or modification commenced after July 23, 1984. (Subpart Kb)

Further amend rule 23.1(2) by adding the following paragraphs:

eee. Rubber tire manufacturing plants. Unless exempted, each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation that commences construction or modification after January 20, 1983. (Subpart BBB)

fff. Industrial surface coating: Surface coating of plastic parts for business machines. Each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats for which construction, modification, or reconstruction begins after January 8, 1986. (Subpart TTT)

ITEM 2. Subrule 567--23.1(3)(455B) is amended as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards of emissions for hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through March 19, 1987, are adopted by reference, except 40 CFR §61.20 to §61.28, §61.90 to 61.98, §61.100 to §61.108, §61.120 to 61.126, and §61.145 to 61.147, and §61.250 to 61.252, and shall apply to the following affected pollutants and facilities and activities

listed below. The corresponding 40 C.F.R. Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

Further amend subrule 567--23.1(3)(455B) by adding the following paragraphs:

i. Inorganic arsenic emissions from glass manufacturing plants. Each glass melting furnace (except pot furnaces) that uses commercial arsenic as a raw material. (Subpart N)

j. Inorganic arsenic emissions from primary copper smelters. Each copper converter at any new or existing primary copper smelter except as noted in 40 CFR 61.172(a). (Subpart O)

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Date

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Larry J. Wilson, Director

This was an informational item; no action was required.

CHAPTER 47--PRIVATE WELL SAMPLING AND ABANDONMENT GRANTS TO COUNTIES

Darrell McAllister, Bureau Chief, Surface and Groundwater Protection Bureau, presented the following item.

The commission earlier approved grants to counties to conduct activities relative to testing and proper closure of private rural water wells for the state fiscal year 1989 (July 1, 1988 - June 30, 1989) period. In accordance with rules adopted by the commission and appearing in Chapter 47 of the Iowa Administrative Code, applications for similar grants for fiscal year 1990 were accepted from September 1 through the end of October 1988. The intent would be to provide notice of intent to award grants for state fiscal year 1990 before January 1, 1989 in order that recipient counties may appropriately incorporate this information in their local budgets. In as much as final amounts of grants will be dependent on funds available in the Agricultural Management Account at the end of the current fiscal year, amounts listed in the grant awards would necessarily have to be considered as targets at this time. Actual grant awards may vary from the attached estimates depending on total funds available.

The commission will be asked to approve grants to 44 counties for private well testing, and grants to 45 counties for assisting in properly closing abandoned private wells. A total of 47 counties would receive grants as shown on the attached table.

Total estimated funds for FY 90 are projected to be \$457,930 for well testing and \$238,920 for well closure. Actual grant amounts will be determined in accordance with the formula provided in Chapter 47. At this time we estimate individual grants for well testing for FY 90 would be \$10,407 per county and \$5,309 per county for well closure grants.

Three counties submitted applications for well testing and/or closure grants that did not meet the application requirements. These counties are not recommended for approval. Details on the application deficiencies for these counties are provided. All three of the applications were received just prior to the final acceptance date. This did not allow time for the deficiencies to be discussed with the applicants and corrected.

TABLE 1

CHAPTER 47  
GRANTS TO COUNTIES  
FOR WELL SAMPLING AND ABANDONMENT

County	Exist. Programs			Grant Appl. for A-Testing B-Closing	Well Testing			Well Closing		
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Number of Wells	Grant Request Amount	Estimated Grant Amount	Number of Wells	Grant Request Amount	Estimated Grant Amount
Adams (1)	X	X	X	A,B	1,000	\$14,700	\$10,407	50	\$10,300	\$5,300
Black Hawk	X	X		A,B	300	19,200	10,407	50	13,333	5,300
Bremer (1)	X	X	X	A,B	200	14,513	10,407	50	12,500	5,300
Calhoun (1)	X	X	X	A,B	200	20,000	10,407	50	13,050	5,300
Carroll (2)	X	X	X	A,B	300	20,880	10,407	50	13,344	5,300
Audubon (2)	X	X	X	A,B	250	17,373	10,407	70	10,675	5,300
Crawford (2)	X	X	X	A,B	250	17,373	10,407	40	10,675	5,300
Cedar (1)	X	X	X	A,B	520	13,992	10,407	45	11,545	5,300
Cerro Gordo	X	X		A,B	80	5,380	10,407	40	9,538	5,300
Chickasaw	X	X	X	A,B	124	9,509	10,407	50	12,982	5,300
Clayton	X	X	X	A,B	125	12,400	10,407	40	8,000	5,300
Clinton	X	X		A,B	300	21,000	10,407	50	13,333	5,300
Dallas	X	X	X	A,B	300	23,100	10,407	50	13,847	5,300
Delaware (1)	X	X	X	A,B	100	10,000	10,407	25	9,000	5,300
Des Moines	X	X	X	A,B	300	57,650	10,407	50	12,500	5,300
Dubuque	X	X	X	A,B	2,000	40,000	10,407	100	25,500	5,300
Fayette (1)	X	X	X	A,B	100	12,000	10,407	50	13,333	5,300
Franklin	X	X		B			10,407	50	13,591	5,300
Greene (1)	X	X	X	A,B	175	13,123	10,407	50	15,219	5,300
Guthrie (1)	X	X	X	A,B	300	27,900	10,407	100	26,666	5,300

TABLE 1 (continued)

County	Exist. Programs			Grant Appl. for A-Testing B-Closing	Well Testing			Well Closing		
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Number of Wells	Grant Request Amount	Estimated Grant Amount	Number of Wells	Grant Request Amount	Estim Gra Amo
Hamilton (1)	X	X	X	A,B	232	\$20,100	\$10,407	70	\$18,891	\$5,
Hardin	X	X	X	A	232	14,415	10,407	---	---	5,
Henry	X	X	X	A,B	400	44,830	10,407	150	37,500	5,
Humboldt (1)	X	X	X	A,B	136	9,670+	10,407	20	4,483	5,
Ida	X	X	X	A,B	175	8,165	10,407	15	4,000	5,
Iowa	X	X	X	B	---	---	10,407	25	6,400	5,
Jackson (1)	X	X	X	A,B	400	31,040	10,407	70	18,180	5,
Jasper (1)	X	X	X	A,B	300	22,050	10,407	50	14,820	5,
Johnson (1)	X	X	X	A,B	114	7,000+	10,407	15	4,000	5,
Lee (1)	X	X	X	A,B	200	16,500	10,407	50	14,000	5,
Linn	X	X	X	A,B	1,500	55,800	10,407	40	19,200	5,
Mahaska (1)	X	X	X	A	200	20,000	10,407	--	---	5,
Mills	X	X	X	A,B	77	10,000	10,407	75	5,000	5,
Mitchell	X	X		A,B	370	23,148	10,407	25	6,200	5,
Montgomery	X	X	X	A,B	432	11,026	10,407	30	5,500	5,
Muscatine (1)	X	X	X	A,B	240	17,440	10,407	36	9,600	5,
Palo Alto	X	X		A,B	232	14,415	10,407	75	18,750	5,
Poweshiek	X	X		A,B	300	19,190	10,407	60	16,000	5,
Sac (1)	X	X	X	A,B	370	12,395	10,407	50	13,025	5,
Scott (1)	X	X	X	A,B	500	82,331	10,407	50	27,790	5,
Taylor	X	X	X	A,B	400	35,000	10,407	60	14,100	5,
Van Buren	X	X	X	A,B	50	4,290+	10,407	50	12,125	5,
Wapello	X	X	X	A,B	350	22,035	10,407	25	6,667	5,
Webster (1)	X	X	X	A,B	200	10,525	10,407	60	16,000	5,
Winneshiek (1)	X	X	X	A	100	8,300	10,407	--	---	5,
TOTALS				A - 44 B - 45			\$457,930			\$238,

(1) Permit delegation authority.

(2) Joint multi-county application.

TABLE 2

CHAPTER 47  
GRANTS TO COUNTIES  
FOR WELL SAMPLING AND ABANDONMENT

County	Exist. Programs			Grant Appl. for A-Testing B-Closing	Well Testing			Well Closing		
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Number of Wells	Grant Request Amount	Grant Award Amount	Number of Wells	Grant Request Amount	Grant Award Amount
Buchanan		X		A,B	not given	\$ 6,525	\$ -0-	50	\$13,375	\$ -0-
Grundy		X		A,B	300	22,500	-0-	88	23,436	-0-
Jones				A,B	516	18,000	-0-	30	8,375	-0-

## Joint Programs:

1 joint program involving Carroll, Crawford and Audubon with Carroll as the lead county.

## Exceptions:

Hardin County was approved for well testing only. Application was received @ 12:30 on 10-31-88. The application was left without conversing with staff. Applicant has not adopted Chapter 39 and did not include a letter of intent to do so - applicant was, therefore, ineligible for Abandon Well program.

## Insufficient Applications:

Buchanan County - submitted on November 2, 1988 (postmark October 31). No previous contact. The application did not include information, proof of equivalency, resolution to adopt Chapters 39, 49 and 69, or letter of intent to adopt Chapters 39, 49, 69. It also included no letter of explanation.

Grundy County - submitted October 31, 1988. The application did not include any reference to Chapter 69, proof of equivalency, resolution to adopt, or letter of intent to adopt. Applicant is ineligible for either program without Chapter 69.

Jones County - submitted Friday, October 28, 1988. Application did have a work plan but was reviewed and determined insufficient. Application did not include reference to Chapters 39, 49 and 69, proof of equivalency, resolution to adopt or letter of intent to adopt. Without this action, the applicant was determined ineligible for either program. A resolution dated November 1, 1988 was received November 2, 1988 adopting Chapter 39, 49 and 69, but did not include an upgraded work plan of acceptable standard.

Clark Yeager asked what procedure the department will use to determine how funds are handled by the counties.

Mr. McAllister stated that the county will submit a work plan and quarterly reports outlining their goals and accomplishments. If a county does not meet their goals the Commission is in a position to deny them a grant the next year.

Discussion followed regarding the grant amount to individual counties. Mr. McAllister emphasized that the counties requested an equal grant amount, as opposed to a ranking system based on size, number of wells per square mile, etc., to determine an amount.

*Motion was made by Catherine Dunn to approve Private Well Sampling and Abandonment Grants to Counties for FY90. Seconded by Charlotte Mohr. Motion carried unanimously.*

#### BLACK HAWK COUNTY SOLID WASTE MANAGEMENT 28G AGREEMENT

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Attached is an agreement among local governments in Black Hawk County. Iowa Code chapter 28G authorizes local governments to create a public service monopoly when they find that it is the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source. The local governments named in this agreement have so found and thus propose to create such a monopoly through the attached agreement.

The agreement has to be approved by this Commission before it becomes effective. There are no stated guidelines for your review or decision. Department staff have reviewed the agreement and find no conflict with the policies and rules of the department. If the agreement is approved, the Black Hawk County Solid Waste Management Commission will have to report annually to this department permits, licenses or franchises granted by the local entity, contracts entered into, and other information requested by this Commission.

November 1988

Environmental Protection Commission Minutes

DRAFT

Date 10 - 20 1988

AMENDED AND SUBSTITUTED  
INTERGOVERNMENTAL AGREEMENT  
FOR THE BLACK HAWK COUNTY  
SOLID WASTE MANAGEMENT COMMISSION

This Amended and Substituted Intergovernmental Agreement effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 1988 by and between the following political subdivisions of the State of Iowa: BLACK HAWK COUNTY, IOWA; CEDAR FALLS, IOWA; DUNKERTON, IOWA; ELK RUN HEIGHTS, IOWA; EVANS DALE, IOWA; GILBERTVILLE, IOWA; HUDSON, IOWA; LAPORTE CITY, IOWA; RAYMOND, IOWA; AND WATERLOO, IOWA.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein it is agreed as follows:

1. AUTHORITY AND ESTABLISHMENT: The parties enter into this agreement pursuant to the provisions of Chapters 28E and 28G of the 1987 Code of Iowa. This agreement amends, restates and is hereby substituted for the agreement previously entered into by the parties June 29, 1974. This agreement in no way changes or affects the contracts, obligations, liabilities or ownership of property, real or personal, of the Black Hawk County Solid Waste Management Commission all of which are ratified and shall be maintained and continued without change.

2. DURATION: The Black Hawk County Solid Waste Management Commission shall exist perpetually unless terminated as provided herein.

3. PURPOSES: The cities and county which are parties to this agreement intend and delegate authority to the Black Hawk County Solid Waste Management Commission to carry out the obligations imposed by §455B.302 of the 1987 Code of Iowa. In addition, the cities and county parties to this agreement do find that it is necessary in accordance with provisions of Chapter 28G to establish a public service monopoly in order to protect public health and welfare through adequate solid waste collection, transportation, storage and disposal practices and that the creation of this entity is the only effective means of allowing the construction and utilization of resource recovery facilities for the recycling of solid waste for use as an energy source.

4. ORGANIZATION: The Black Hawk County Solid Waste Management Commission shall be governed by an administrative board consisting of five (5) members who shall be appointed as follows:

A. One (1) member appointed by the Black Hawk County Board of Supervisors to represent Black Hawk County.

B. One (1) member appointed by the City Council of the City of Cedar Falls to represent the City of Cedar Falls.

C. Two (2) members appointed by the City Council of the City of Waterloo to represent the City of Waterloo.

D. One (1) member who will be elected by majority vote of the governing bodies of the political entities participating in this agreement other than Black Hawk County, Cedar Falls, and Waterloo. Each such governing body shall be entitled to one (1) vote in the election of such member.

E. The term of office of the Commission members shall be determined by the political entity or entities they represent or until their successors are chosen.

E8: 5. OFFICERS: The officers of the Black Hawk County Solid Waste Management Commission shall be a Chairman, Vice Chairman, Secretary and Treasurer, all of said officers to be

elected for a term of one (1) year at the Commission's organizational meeting on the fourth Thursday in January of each year. The duties of the officers shall be established in the By-laws of the Commission. The Commission may, at its discretion, elect a person or persons to serve as secretary and treasurer who may or may not be appointed commissioners.

6. MEETINGS: The regular meetings of the Black Hawk County Solid Waste Management Commission shall be held monthly on the fourth Thursday of each month except during the months of November and December. There shall be a single meeting for the months of November and December occurring on the first Thursday of December. Special meetings of the Commission may be called by the chairman of the Commission or on the written request of two (2) members directed to the chairman. In the case of special meetings, five (5) days notice shall be given to all members by the secretary of the Commission which notice shall specify the time, place, day and purpose of meeting. A majority of Commissioners may waive the notice requirement for special meetings.

7. POWERS: The Black Hawk County Solid Waste Management Commission shall be a separate legal entity exercising public and essential governmental functions to provide for the public health, safety and welfare and shall have the following powers:

a. To acquire by purchase, gift, lease or otherwise, personal property, real property and easements therein, necessary or useful and convenient for the operation of the Commission subject to all liens thereon, if any, and to hold and use the same, and to dispose of property so acquired no longer necessary for the purposes of this Commission.

b. To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the Commission, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants.

c. To make and enforce by-laws or rules and regulations for the management and operation of its business and affairs and for the use, maintenance and operation of its facilities and any other of its properties, and to annul the same.

d. To do and perform any acts and things authorized by Chapters 28B and 28G, Code of Iowa, 1987, and by this agreement, under, through or by means of its officers, agents and employees, or by contracts with any person.

e. To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Commission or to carry out any powers expressly given by this agreement.

f. To cause the collection and disposal of solid waste material as may be determined by the Commission either by contract or in such other way as may be deemed to be satisfactory in the discretion of the Commission.

g. To fix, establish and maintain such rates, tolls, fees, rentals or other charges for the services and facilities of the Commission sufficient to pay at all times the cost of maintaining, repairing and operating said facilities, to pay the principal of and interest on bonds of the Commission then outstanding, to provide for replacements, depreciation and

necessary extensions and enlargements and to provide a margin of safety.

h. To make or cause to be made studies and surveys necessary or useful and convenient to carrying out the functions of the Commission.

i. To contract with and compensate consultants for professional services including but not limited to architects, engineers, planners, lawyers, accountants, rate specialists, and all others found necessary or useful and convenient to the stated purposes of the Commission.

j. To prepare and recommend to member Municipalities local ordinances governing refuse collection transportation and disposal, regulation or private collection haulers, land use regulations, sanitation, burning of private or public wastes, incineration standards and such other regulations as may from time to time be required.

k. To exercise such powers relative to the efficient collection and disposal of solid waste as are available under then existing laws to each member Municipality as is necessary or useful and convenient to carrying out the functions of the Commission.

l. To provide for a system of budgeting, accounting, auditing and reporting all Commission funds and transactions, for a depository, and for the bonding of employees.

m. To consult with representatives of Federal, State and local agencies, departments and their officers and employees and to contract with such agencies and departments.

n. To exercise such other powers as are available under then existing law to each member Municipality specifically including, but not limited to the right of eminent domain as is necessary or useful and convenient to carrying out functions of the Commission.

o. To borrow money, make and issue negotiable bonds, certificates, refunding bonds and notes and to secure the payment of such bonds, certificates, refunding bonds and notes or any part thereof by a pledge of any or all of the Commission's net revenues and any other funds which it has a right to, or may hereafter have the right to pledge for such purposes.

p. To provide in the proceeding authorizing such obligations for remedies upon default in the payment of principal and interest on any such obligations including but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Commission's property, such trustee and such receiver to have the powers and duties provided for in the proceeding authorizing such obligations.

r. To receive funds from each member Municipality as payment for providing collection and disposal of domestic solid waste from residents therein; provided, however, that in lieu of receiving such funds from member Municipalities and at the discretion of each member municipality, it shall have the power to bill individuals directly for payment for collection services and to receive such payments, for and on behalf of Municipalities so choosing.

s. To hire employees, fix their compensation, benefits, personnel rules and regulations, and terminate their employment.

t. To borrow money and accept grants, contributions or loans from, and to enter into contracts, leases, or other transactions with municipal, county, State or the Federal Government.

u. To enter into agreements with one or more of the public agencies which are parties to this agreement for the issuance of general obligation bonds for the financing of projects or facilities useful and necessary to the fulfillment of the purposes of the Commission. The agreement to issue such general obligation bonds and the responsibility for the repayment of such bonds shall be treated the same as the sale of the revenue bonds under §28F.3 of the 1987 Code of Iowa and no participating agency may withdraw, terminate or modify until such bonds have been repaid. It is not, however, intended that such general obligation bonds would thereby become the obligation debt or bonds of the public agencies other than those who may be issuing such bonds.

8. FINANCING: The Black Hawk County Solid Waste Management Commission, shall, to the extent possible, finance its operations and the repayment of any debt through income generated by fees, tolls, rates, rentals or other charges for the facilities and services of the Commission. In the event that for any reason the fees, rates, tolls, rentals or other charges are insufficient to pay the cost of maintaining, operating and repairing the facilities and to pay the principal and interest on bonds of the Commission then outstanding, it is then understood and agreed that the public agencies participating in the agreement shall pay to the Commission an amount which will be sufficient to meet financial requirements of the Commission. The amount paid shall be based upon a per capita assessment which shall be determined by the last completed Federal Census or special Federal Census, whichever is latest. The failure by any of the participating public entities to pay their pro rata share shall be grounds for suspension of services to the non-paying public agency.

9. TERMINATION: In the event that all of the parties hereto agree to terminate this Amended and Substituted Intergovernmental Agreement, any assets owned by the Black Hawk County Solid Waste Management Commission shall be converted to cash and the proceeds so obtained after repayment of all obligations shall be distributed to the undersigned parties in the same ratio that their respective population bears to the total population of Black Hawk County, Iowa, as determined by the last available United States Government Census or special census, whichever is latest. In the event any of the public agencies desire to withdraw from their participation in the Black Hawk County Solid Waste Management Commission, such withdrawing public agency shall forfeit its rights and interest in any of the assets of the Black Hawk County Solid Waste Management Commission. It is understood, however, that provisions of Chapter 28F of the 1987 Code of Iowa shall apply and no withdrawal shall take place unless permitted by the provisions of Chapter 28F of the 1987 Code of Iowa.

10. PROPERTY: Any real or personal property acquired shall be held and disposed of in the name of Black Hawk County Solid Waste Management Commission, with authority to execute appropriate title documents by signature of the Chairman or Secretary as authorized by the members of the joint Commission.

11. AMENDMENT: This agreement may only be amended by the unanimous consent and action of all of the participating public agencies.

November 1988

Environmental Protection Commission Minutes

BLACK HAWK COUNTY, IOWA

GILBERTVILLE, IOWA

BY: \_\_\_\_\_  
Chairman  
Board of Supervisors

BY: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
City Clerk

CEDAR FALLS, IOWA

HUDSON, IOWA

BY: \_\_\_\_\_  
Mayor

BY: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
City Clerk

DUNKERTON, IOWA

LAPORTE CITY, IOWA

BY: \_\_\_\_\_  
Mayor

BY: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
City Clerk

ELK RUN HEIGHTS, IOWA

RAYMOND, IOWA

BY: \_\_\_\_\_  
Mayor

BY: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
City Clerk

EVANSDALE, IOWA

WATERLOO, IOWA

BY: \_\_\_\_\_  
Mayor

BY: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Attest: \_\_\_\_\_  
City Clerk

*Motion was made by Nancy Lee Siebenmann to approve the Black Hawk County Solid Waste Management 28G Agreement. Seconded by Catherine Dunn. Motion carried unanimously.*

REFERRALS TO THE ATTORNEY GENERAL

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Ainsworth Corners, Inc.

Mr. Combs briefed the Commission on the history of this case.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Nancy Lee Siebenmann.*

*Chairman Schlutz requested a roll call vote. "Aye" votes were cast by Commissioners Dunn, Hammitt, Mohr, Priebe, Siebenmann, Timmerman, and Yeager. Chairman Schlutz "abstained" stating that he has a conflict of interests as the involved individual is a personal friend. Motion carried with a vote of 7-Aye, 0-Nay, and 1-Abstain.*

PROPOSED CONTESTED CASE DECISION--MARK TWAIN MEADOWS HOMEOWNER'S ASSOCIATION

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On July 22, 1988 the department issued Administrative Order 88-WS-60 to Mark Twain Meadows Homeowners Association. That action assessed a \$1000 penalty and directed future compliance with bacterial monitoring requirements for this public drinking water supply. That action was appealed and the matter proceeded to administrative hearing on October 26, 1988. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on November 4, 1988. The decision affirms the Administrative Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

90 Mr. Combs explained details of this case.

The Commission took no action; this has the effect of upholding the hearing officer's decision unless there is an appeal.

November 1988

Environmental Protection Commission Minutes

RECESS

Chairman Schlutz recessed the meeting at 4:35 p.m., Monday, November 21, 1988.

MEETING RECONVENES 8:30 A.M., NOVEMBER 22, 1988

GROUNDWATER STANDARDS REPORT

James Combs, Division Administrator, Coordination and Information, presented the following item.

The Groundwater Protection Act required the Department to prepare and deliver to the General Assembly by January 1, 1989, a report "on how groundwater standards may be a part of a groundwater protection program." A draft of the report was distributed to the Commission about November 1, 1988. The report also has been distributed to various persons and organizations that have been active in the discussions regarding this issue. In order to meet the January 1, 1989, deadline, we have indicated that any comments on the draft report must be received by December 1, 1988.

The report is the product of over twelve months of research and discussions, including fourteen public hearings and follow-up discussions with several of the affected and interested parties. It contains a discussion of what standards are, federal programs that utilize standards, other state's groundwater programs, and Iowa's current groundwater program. The report reaches the conclusions that ambient groundwater standards are not appropriate for Iowa's groundwater protection program at this time and that the Department should continue to develop clean up guidelines for dealing with localized contamination incidents.

A copy of the Executive Summary of the draft report is attached.

## Executive Summary

In 1987 the Iowa General Assembly enacted comprehensive groundwater legislation. This legislation, known as the Iowa Groundwater Protection Act, addresses all major sources of groundwater contamination relying primarily on research, education and demonstration programs to achieve its stated goal of preventing further contamination of groundwater to the maximum extent practical, and cleaning up where necessary. In addition, the Act mandates an evaluation of the role standards have in Iowa's groundwater protection program. Pursuant to Section 455E.9(2) of the Iowa Code, the Department of Natural Resources submits this report to the General Assembly. The report contains an analysis of and recommendations on the role of groundwater standards in the protection of Iowa's groundwater resource.

In conducting this analysis numerous sources of information were utilized. The Department accepted public comment at 14 public hearings throughout the State, and accepted written comments until September 9, 1988. The Department also conducted additional follow-up meetings with special interest groups to discuss in detail how groundwater standards could or should be utilized in a groundwater management program. DNR staff interviewed officials from other states to determine how these states protected their groundwater resource and what role standards played in the protection effort. These states were selected as representative of state groundwater programs. Staff also thoroughly reviewed existing federal programs to determine their applicability to a state's groundwater standards program. And finally, Iowa's current program, stemming from the Groundwater Protection Act, as well as existing statutes and regulations were reviewed.

The overwhelming concern expressed by both the general public and special interest groups is protection of the state's groundwater resource. A variety of ways to achieve this protection were offered. Some supported reliance on federal programs and standards as the basis for groundwater protection. Some advocated the use of approaches utilized by other states. Still others suggested ideas which would be unique to Iowa.

In the analysis of existing federal programs, no single program was identified which specifically and adequately addresses groundwater protection. There is little change in the federal programs since the adoption of Iowa's law in 1987. In addition, federal administrative activities related to groundwater management and the complicated array of groundwater legislation before the Congress suggest that it could be years before any definitive federal action is taken. At the same time both the EPA policies and the majority of the bills in the Congress focus on the states to play a lead role in groundwater protection.

The efforts of the other states which were analyzed during the study were not clearly more successful in assuring long term protection of groundwater quality. No state is doing more than currently is being done in Iowa to attempt to prevent continued degradation of existing groundwater quality. States which are attempting to develop standards on their own appear to be faced with large technical staffing requirements and substantial commitments of money and personnel to defend the results of their efforts.

There is a common perception that the existence of some numbers based on health related considerations would serve to advance the protective nature of Iowa's program. While the use of standards has historically been successful in cleaning up notable pollution problems in other programs, these have all been cases where ambient levels of contamination were far above established levels known to cause public health problems. In these instances, the standards were adopted to provide targets or goals for improvement, and they have generally been successful.

With Iowa's groundwater, any level of contamination represents a reduction in the otherwise extremely pure state of the groundwater resource. Current levels of groundwater contamination would not be a major problem if the water involved were surface water. With its rapid movement and the opportunities for purification with exposure to light, aeration and bacterial action, surface waters can



# DRAFT

*For Review Only*

## Groundwater Standards Report 1989

assimilate large quantities of pollutants and return to a relatively high quality in a short time. The inability of groundwater to do the same means that we must be exceedingly careful not to allow degradation that comes even close to a health related level. Because we are dealing with a relatively pure resource, the importance of standards is not as great in terms of providing for a target for cleanup. Since the groundwater quality will essentially exceed that required to meet a health based standard, the standards, if any exist, will mainly serve as an indicator to the public. The level of any standard would allow comparison with ambient conditions and provide reassurance that the water is wholesome.

The adoption of standards also was evaluated from the perspective of their impact on a preventative program. One concern is that a perception of high quality groundwater compared to standards will reduce commitments to preventative actions even though those actions will help to ensure that no crisis will develop. The use of cost effective alternatives which would reduce groundwater contamination potential would be slower to achieve acceptance until levels of contamination approached a suspected or proven danger point. There also is concern for the interaction of the ground and surface waters and the impact of contamination on forms of

life other than human. Reduced concern for the quality of the groundwater does not equate with the "license to pollute" type of concern, but can yield the same results.

If preventative efforts can be shown to provide an effective and economical approach to groundwater protection, can one justify the price of a program of standards and permits that would inevitably result?

There appears to be one value to standards: public assurance that Iowa is protecting the resource. This purpose can better be accomplished by assessing the risks associated with the use of synthetic compounds. This analysis must recognize and include the impacts of combinations of compounds as well as the more compelling evaluation of the risk of using very toxic "inert" ingredients. Risk assessment can provide the understandable measures of safety and health affects that can satisfy this need without the creation of a standards based program. Risk assessment would also have the advantage of providing, over time, the technical information necessary to establish a program which might include standards in fulfillment of an eventual federal program.

With these factors in mind, the Department of Natural Resources offers the following recommendations.

- The State of Iowa should continue and enhance its present programs of preventing groundwater contamination. The present policy should be given the opportunity to operate long enough to assess its viability when fully implemented, including the enforcement capacity of Chapter 455B of the Iowa Code. The preventative policy should be assessed on a biennial basis as part of the Department's report under Section 455B.263(1) of the Code with a comprehensive evaluation of the preventative program and the status of groundwater quality in 1997. If the preventative program enhanced over the years provides inadequate assurance of protection, alternative programs should be developed.

- Where groundwater contamination currently exists, the State of Iowa will develop and implement cleanup standards, based on lifetime health advisory levels. Protection of the groundwater resource where groundwater contamination does not currently exist will be based on programs which rely on preventing contamination.



Mr. Combs reported that the Groundwater Standards Technical Advisory Committee reviewed the draft on November 15, and they had unanimous support of the recommendations and were generally pleased with the report. The only committee representative not providing formal comment was the Iowa State Extension.

Mr. Combs stated that at the next Commission meeting, the Commission will need to indicate whether or not they approve of the recommendations. The report is due to the printer by December 14, 1988, so that it can be submitted to the Legislature on January 1, 1989.

Mr. Combs presented a detailed overview of the report. He pointed out that the goal of the Groundwater Protection Act is to prevent contamination of groundwater and he further explained that standards do not prevent contamination; they define an upper limit of contamination.

Discussion followed regarding multiple compounds; groundwater standards and enforcement of same; differential protection between shallow and deep aquifers; a monitoring network,, and Wisconsin's groundwater program.

Gary Priebe remarked that he would prefer setting standards for guidance beforehand rather than setting them as the program progresses. He added that he cannot see sending a report to the General Assembly without any standards. Mr. Priebe related that work should be done to get the federal government to adopt standards as it is not fair to Iowa to clean up water coming from the Dakotas, for example.

Mr. Priebe inquired as to what will trigger the alarm to determine cleanup, and asked when the search for a point or non-point source of contamination begins.

Mr. Combs explained that the department is in the process of setting up a statewide groundwater monitoring network and that standards are a regulatory authority to accept a certain amount of pollution. Mr. Combs added that without information to know what is safe, a set standard may be unsafe.

Catherine Dunn commented that in time there might be some standards, but it is her feeling that for now, each situation should be examined and dealt with as it happens.

Nancylee Siebenmann commented that when first looking at the Wisconsin plan she thought it sounded really good, but in looking at the cost of it she feels it could be a big detractor. Also, this could be a progressive new dimension for the department to really work on behavior modification and education, which would have a more positive effect than if the department's role was one of enforcement based on a certain standard.

November 1988

Environmental Protection Commission Minutes

Mr. Combs asked that any further comments about the report be submitted to him by early December.

APPOINTMENT - ROBERT BRAUN

Mike Murphy stated that Robert Braun's appointment was in reference to Item 17 - Black Hawk County Solid Waste Management 28G Agreement, and that when Mr. Braun was notified of the Commission's approval of this item he was satisfied.

CONTESTED CASE DECISION, APPEAL--ELOISE REESE

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented the following item. Mike Murphy briefed the Commission on the history of this case.

APPOINTMENT - JIM DAVIS

Jim Davis, representing Eloise Reese, introduced Lloyd Heim, farm manager for Eloise Reese, and Larry Whitehead who farms the ground. Mr. Davis displayed a map showing the area involved, which is between the East and West Nishnabotna Rivers. He stated that there is an estimated two miles of permitted levees in a system containing over a hundred of miles of stream.

Mr. Davis gave a history of the Reese property and conflicts with the neighboring 22 Club. He discussed levee construction after 1957; the 10 year statute of limitations; and the agency's indecisiveness in this situation. He questioned whether staff policy determination is correct; whether or not the levee is comprehensive; and whether factual information is correct in relation to testimony by Jack Riessen regarding ten year flow. Mr. Davis displayed a map showing reference points A and B (northern & southern points along West Nishnabotna) and points C and D, and pointed out that since the distance between A & B is shorter than the distance between C & D there is less slope along the West Nishnabotna than the East Nishnabotna. He stated that he is asking the Commission to change that factual determination and apply the corrected slope and the greater distance to the facts.

In conclusion, Mr. Davis stated that Miss Reese should be allowed the full ten year protection and confined level for the flows. He added that she should not have to keep asking for permits because her neighbors are building levees. They made her the

pioneer in this stretch of the river and as the pioneer she should get full protection. Mr. Davis asked the Commission to decide, at least on facts, for Miss Reese.

Randall Clark, Government Liaison Bureau, stated that the action by the department puts Eloise Reese in a comparably equivalent position as neighboring levees. Mr. Clark stated that in addition to the 1964 construction there was also construction in early and mid 1970's which involved raising the levee. He stated that there is no general statute of limitation that applies to the state, and he explained the specific statute of limitations passed during the 1988 session. He added that the department was well into this case before that law took effect on July 1, 1988. Mr. Clark explained that the department did not change their position, but that a change in conditions involving a county access road warranted a change in position.

He explained that Jack Riessen's analysis merely indicated that the Reese levee could be comprehensive, but he determined that comparatively to a large scale levee program, this is not a comprehensive levee. Mr. Wiitala did not disagree with Mr. Riessen's analysis even though his specific numbers appeared to disagree with it. Mr. Clark explained the procedure used by Mr. Riessen to arrive at his analysis and stated that Miss Reese is being afforded what the law allows as far as the top height of the levee. He stated that the hearing officer went through very technical information to arrive at her decision and he would recommend the Commission uphold that decision.

A lengthy discussion took place regarding levee repair; elevations of the levee in 1957; levee elevations made in the 1970's; the meaning of a comprehensive levee system; enforcement of other violations along the river; piecemeal enforcement; and options the Commission could take in this case.

Additional discussion involved the accuracy of the figures used to determine slope.

Options were discussed and Chairman Schlutz related that Commissioners Timmerman and Yeager will meet with an engineer to review the transcripts and determine which figures used for the slope are correct.

*Motion was made by Nancylee Siebenmann to table the contested case decision appeal for Eloise Reese until the two Commission appointees have had a chance to review the transcript and discuss the correction on the slope. Seconded by Donna Hammitt. Motion carried unanimously.*

CONTESTED CASE DECISION, APPEAL--CLOYD FOLAND

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented the following item. Mike Murphy briefed the Commission on the history of this case.

APPOINTMENT - SCOTT HALVORSON for Cloyd Foland

Scott Halvorson, representing Cloyd and Doris Foland, stated that the only option the Administrative Order gave the Foland's was to completely remove the levee or to submit plans for a completely removed and reconstructed levee. The department did not rule on the application for after-the-fact approval of the levee as it exists, which was addressed by the hearing officer.

Mr. Halvorson displayed a map showing the area involved in this case. He presented a history of the levee from the beginning of its construction in the 1960's and its modifications through 1973. He added that the purpose of the levee and the reason the Foland's thought they had to build it was that they were getting a big increase of flood waters caused by unauthorized construction, by the State of Iowa Highway Commission and Decatur County, on county road J-20. Mr. Halvorson stated that sometime after 1957 the State Highway Commission paved county road J-20, and in conjunction with it approved plans for straightening Long Creek about a mile and a half north of the levee. He related that as a result of the stream straightening, the meanders were cut through and increased the flow of water to Mr. Foland's property. Mr. Halvorson stated that in 1984, the Decatur County engineer raised a road right above the levee, put in a new bridge, and did it without the department's approval. The effect of the new higher bridge was to force more flood water under the bridge, next to the Foland property. This in turn caused erosion on the Foland property and the water now wants to cut a new channel through the Foland's 200 acres of bottom land. He explained that a wing dike was constructed by a neighbor and it pushed more water on to the Foland property. Mr. Halvorson stated that the order required the entire levee to be removed and spread evenly across the entire 200 acres, or submit plans to remove the levee and put it 500 feet back from the stream, which would cost about \$40,000. He noted that the Foland's submitted engineering plans in 1986 and the department never took any action to grant or deny a variance, or to grant after-the-fact approval. Mr. Halvorson stated that one of their legal contentions is that the department could allow this levee to stay in place, given that it is not harming anyone. He stated that the department, in 1982, essentially said the levee would have to be moved, and that time should not be wasted trying to get the department to cooperate with a variance; therefore, nothing

entitled variance was filed until Spring of 1988 when a request was made for after-the-fact approval.

In conclusion, Mr. Halvorson stated that the Foland's are entitled to have the department act upon their petition for after-the-fact approval prior to their being required to spend \$40,000 to tear out the levee, which possibly could not be approved in place. He added that Senate File 2126 precludes the department from taking action on this case, as over five years have expired and the levee was in place for 14 years prior to the department bringing any action.

Randall Clark, Governmental Liaison Bureau, stated that in the early 1980's the Foland's were told of their options to apply for after-the-fact approval, or to remove the levee. Specific dates they were told of this option were September 1982, January 20, 1984, January 20, 1986, January 30, 1986, and April 24, 1986. In most of these communications an after-the-fact permit application form was enclosed. In September 1987, Mr. Halvorson wrote and asked if the department had made some kind of a formal decision. The department notified him that no action had been taken because an application had not been received by the department, only a plan for after-the-fact approval had been received. The order was not issued until February 5, 1988 which the Foland's appealed, and an application was not submitted until after the contested case began. Mr. Clark stated that the order requires removal of the levee except the easterly 200 feet, or an application calling for a relocated levee that would meet the department's approval criteria. He added that Mr. Foland was cautioned early in the proceeding not to submit plans for the levee as it was because it would likely not meet department criteria. Nevertheless, Mr. Foland did eventually submit plans for the existing levee and, indeed, it was too close to the creek to meet the department's criteria. Mr. Foland was advised that the levee would have to be set back approximately 500 feet to satisfy department requirements. The department was not required to act on an application after the order was issued because the order was inconsistent with such an application. Mr. Clark stated that the department has or is dealing with all complaints which were made by Mr. Foland concerning flood plain construction by other landowners along this stream, except for a complaint made at the hearing. He added that in regards to the statute of limitations, the hearing officer pointed out that administrative action had already been taken through an administrative order before the law became effective. Finally, there was no testimony that the state was involved in a channel change, other than for design of a bridge or a road. This was a county road and any necessary permits would have been required of the county. Mr. Clark pointed out that a specific complaint regarding the state being involved in unauthorized construction was not filed until the day of the hearing.

Clark Yeager asked if there was any sense in requiring that the levee be moved back 500 feet.

Mr. Clark responded that levee rules applied to bridges and streams dictate that the levee must be set back 500 feet.

Discussion followed regarding various issues in the case.

Catherine Dunn mentioned the department's repeated contact with the Foland's and the fact that they did not respond until 1987.

Further discussion took place regarding past communications between the department and the Foland's.

*Motion was made by Catherine Dunn to uphold the hearing officer's decision. Seconded by Nancy Lee Siebenmann.*

*Chairman Schlutz requested a roll call vote. "Aye" votes were cast by Commissioners Dunn, Hammitt, Mohr, Siebenmann and Timmerman. "Nay" votes were cast by Commissioners Priebe, Yeager and Schlutz. Motion carried 5 to 3.*

#### FLOODPLAIN LEGISLATION UPDATE

Mike Murphy gave an update on the new statute of limitations in regards to floodplains and its effect on the department. He related that the case which inspired that legislation, called the Russell case, one in which the department determined the statute precluded them from taking action, has resulted in a suit against the department by the downstream landowner over failure to take action. Mainly, this suit is asking for interpretation of the statute.

Chairman Schlutz suggested that staff come up with a legislative proposal to get the problem solved, either to get more funding to improve the floodplain department or to clarify this situation.

Director Wilson noted that he detected a feeling of sympathy with stream channel work from several of the Commissioners. He suggested that the Commission might want to have two or three Commissioners talk about the position of the Commission, so that if the department takes a proposal to the legislature there is uniformity. The bottom line is that the hard decision will eventually come back before the Commission.

James Combs suggested that staff and the Commission take a look at the program and decide what the Commission and the department want the program to be, and then take a look at legislation. There is a need to determine what is wanted in the program, and how to get there, before developing legislation.

INCINERATORS AT HOSPITALS

Clark Yeager stated that Ottumwa bought an incinerator and applied for a permit in August, 1988. The incinerator vendor recommended a 27 foot stack, and the Durant group and an engineering group agreed on the 27 foot stack. The DNR said they need an 80 foot stack on the incinerator which includes two 1,600,000 btu burners. Additionally, an incinerator which will be built in Iowa City is going to be required to have a 140 foot stack. Fairfield is also building an incinerator and they were required to cut their burn time down to keep their stack height down. Mr. Yeager questioned how the determination is made that if a person stands under a stack for 70 years they would have only one in a million chance of getting cancer.

Director Wilson stated that the figure is a standard risk assessment figure used by EPA.

Darrell McAllister stated that there are no specific air quality standards on dioxin and furan, but there is a general paragraph in the air quality rules that emissions will be limited so that public health and property around the area will be protected.

Mr. McAllister also explained that a higher stack height will allow the pollutant to be dispersed over a larger area and more dilution of the emission will occur. He further explained modeling and statistics used to calculate appropriate stack height for a facility. A 27 foot stack height operating 8,760 hours per year would increase the cancer risk an additional 7.5 cancers per million.

Mr. McAllister related that options, other than an 80 foot stack, would be to burn fewer hours and build in control measures.

LETTERS - DISCUSSION

Chairman Schlutz asked the Commissioners to comment on the letter, which he distributed yesterday, from the Department of Agriculture and Land Stewardship regarding relaxed standards for the Soil Conservation Program.

Director Wilson stated that the Natural Resource Commission will probably comment on this stating that the department will condone more strict requirements, rather than relaxing the requirements.

Chairman Schlutz read a letter of response to the attorney for the Des Moines Register in regards to the open meetings law.

Chairman Schlutz distributed a copy of Written Comments on Groundwater Standards to Iowa Department of Natural Resources

November 1988

Environmental Protection Commission Minutes

Submitted by Richard S. Fawcett, Department of Agronomy, Iowa State University, Ames, Iowa.

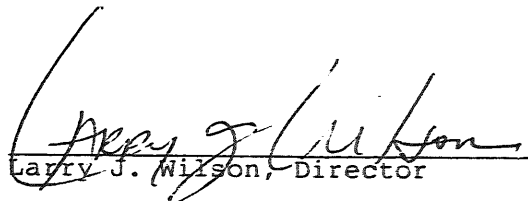
ADDRESS ITEMS FOR NEXT MEETING

Eloise Reese Levee  
Groundwater Standards Report

ADJOURNMENT

*Motion was made by Richard Timmerman to adjourn the meeting.  
Seconded by Charlotte Mohr. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairman Schlutz adjourned the meeting at 1:30 p.m., Tuesday, November 22, 1988.

  
Larry J. Wilson, Director

  
Charlotte Mohr, Secretary

INDEX

## A

Adoption of Agenda E88Nov-1  
Adoption of Minutes E88Nov-1  
Appointment - Scott Halvorson for  
Cloyd Foland E88Nov-70

## B

Black Hawk County  
Solid Waste Management 28G  
Agreement E88Nov-57  
Braun, Robert -  
Appointment E88Nov-68

## C

Computer Acquisition For  
Environmental Protection  
Division E88Nov-15  
Construction Grants Priority List  
Additions E88Nov-47  
Contested Case Decision, Appeal  
Cloyd Foland E88Nov-70  
Eloise Reese E88Nov-68  
Contested Case Decision,  
Proposed--Mark Twain Meadows  
Homeowner's Association E88Nov-63

## D

Davis, Jim  
Eloise Reese Contested Case  
Decision Appeal E88Nov-68  
Director's Report E88Nov-2

## F

Floodplain Legislation  
Update E88Nov-72  
Foland, Cloyd  
Contested Case Decision,  
Appeal E88Nov-70

## G

Groundwater Standards  
Report E88Nov-64

## H

Halvorson, Scott  
Appointment - Cloyd Foland  
Appeal E88Nov-70  
Hospital Incinerators E88Nov-73

## L

Landfill Groundwater Monitoring --  
Proposed Rules E88Nov-29  
Low Level Radioactive Waste  
Midwest Interstate Compact  
Report E88Nov-10  
LUST Equipment Acquisition for  
Underground Storage Tank  
Program E88Nov-18

## M

Mark Twain Meadows Homeowner's  
Association  
Contested Case  
Decision E88Nov-63  
Members Present E88Nov-1  
Midwest Interstate LLRW Compact  
Report E88Nov-10  
Monthly Reports E88Nov-19

## N

New Source Performance  
Standards--Chapter 23 Amendment,  
Proposed Rule E88Nov-48  
Nonpoint Pollution Management  
Plan E88Nov-47  
November 1988 COMMISSION  
MEETING E88Nov-1

## P

November 1983

Environmental Protection Commission Minutes

Private Well Sampling and  
Abandonment--Grants to Counties for  
FY 90--Chapter 47 E88Nov-53  
Proposed Rule--Amend Chapter 23, New  
Source Performance  
Standards E88Nov-48  
Proposed Rules -- Landfill  
Groundwater Monitoring E88Nov-29  
Public Participation E88Nov-46

R

Recess E88Nov-64  
Reese, Eloise  
Contested Case Decision,  
Appeal E88Nov-68  
Referrals To The Attorney  
General E88Nov-63

S

Solid Waste Management 28G Agreement  
Black Hawk County E88Nov-57

T

Toxic Cleanup Days  
Linn County E88Nov-2  
Montgomery County E88Nov-2  
Story County E88Nov-2

U

UHL General Air and Water Quality  
Monitoring Contract E88Nov-14  
UHL Private Well Testing Support  
Contract E88Nov-13

RECORD COPY

File Name ADM-1-1-1 (Nov. 1988) <sup>cv</sup>

Senders Initials JS

MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
November 21-22, 1988

Meeting convenes at 1:30 p.m., November 21, 1988 in the fourth floor conference room and reconvenes on November 22, 8:30 a.m.

Break 3:00 p.m.

Public Participation 3:30 p.m.

Meeting reconvenes 8:30 a.m., November 22, 1988

Break 10:15 a.m.

Appointments:

Robert Braun 9:00 a.m.

Jim Davis re: Eloise Reese 9:30 a.m.

Cloyd Foland 10:30 a.m.

1. Approve Agenda
2. Approve Minutes of October 17, 1988.
3. Director's Report. (Wilson) Informational.
4. Toxic Cleanup Days Report. (Hay) Informational.
5. Midwest Interstate Low Level Radioactive Waste Compact Report. (Hay) Informational.
6. UHL Private Well Testing Contract. (Kuhn) Decision.
7. UHL General Air and Water Quality Monitoring Contract. (Kuhn) Decision.
8. Air Toxics Phase II Inventory Contract. (Kuhn) Decision.
9. Computer Acquisition for Environmental Protection Division. (Kuhn) Decision.
10. LUST Equipment Acquisition for Underground Storage Tank Program. (Kuhn) Decision.
11. Monthly Reports. (Stokes) Informational.
12. Proposed Rules - Landfill Groundwater Monitoring. (Stokes) Informational.
13. Construction Grants Priority List Additions. (Stokes) Informational.

14. Non-Point Pollution Management Plan. (Stokes). Informational.
15. Proposed Rules - Amendments to Chapter 23--Air Quality Rules, NSPS and NESHAPS. (Stokes) Informational.
16. Chapter 47--Private Well Sampling and Abandonment Grants to Counties for FY 90. (Stokes) Decision.
17. Black Hawk County Solid Waste Management 28G Agreement. (Combs) Decision.
18. Referrals to the Attorney General. (Combs) Decision  
(a) Ainsworth Corners, Inc.
19. Contested Case Appeal -- Eloise Reese. (Combs) Decision.
20. Contested Case Appeal -- Cloyd Foland. (Combs) Decision.
- 20A. *Proposed Contested Case Decision--Mark Twain Meadows Homeowner's Association. (Combs) Decision.*
21. Groundwater Standards Report. (Combs) Informational.
- 21A. *Incinerators at Hospitals*
22. Address Items for Next Meeting.
23. Letters  
a) *From Dept. of Agriculture + Land Stewardship re: relaxed standards for the Soil Conservation Program.*  
b) *Richard S. Fawcett written comments on Groundwater Standards. (Discussion) (Discussion)*

NEXT MEETING DATES

December 12-13, 1988  
January 17-18, 1989  
February 20-21, 1989

ENVIRONMENTAL PROTECTION COMMISSION

November 21, 1988

NAME	COMPANY OR AGENCY	CITY
(Please print)		
DANNY VEST	GROWMARK, INC.	Bloomington, IL
JANE McALLISTER	AHLERS LAW FIRM	DES MOINES, IA
Melanie Lewis	DM Register	DM, IA
Frank Weaver	Iowa Power	DM
TED VANECEK	FARM BUREAU	West Des Moines
JEFF ROBINSON	LFB	DM

November 22, 1988

DAN VEST	GROWMARK, INC.	Bloomington, IL
JANE McALLISTER	AHLERS LAW FIRM	DM
James C. Davis	Riese Hearing	Des Moines
Larry Whithead	"	Sidney, Ia.
Lloyd Heim	"	Omaha Neb
Scott - Haber	Cloyd Folland Hearing	Leon, Ia.